

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA, 21-CR-80 (AMD)
4 United States Courthouse
Brooklyn, New York

5 -versus- March 22, 2023
6 9:30 a.m.

7 DOUGLASS MACKEY,
8 Defendant.

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9 TRANSCRIPT OF CRIMINAL CAUSE FOR TRIAL
10 BEFORE THE HONORABLE ANN M. DONNELLY
11 UNITED STATES DISTRICT JUDGE
BEFORE A JURY

12 APPEARANCES

13 For the Government: UNITED STATES ATTORNEY'S OFFICE
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24 Proceedings recorded by mechanical stenography. Transcript
25 produced by computer-aided transcription.

PROCEEDINGS

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1 (In open court.)

2 THE COURTROOM DEPUTY: All Rise.

3 THE COURT: I received at 7:30 this morning a
4 request for a continuance. My suggestion is, we haven't had a
5 chance to look at any of these materials, although we did put
6 up an order that we'd been given them. What I would like to
7 do is continue with the witness since we have all the jurors
8 here. When we finish the witness, we can talk about next
9 steps. Unless anybody has any burning issues that they have
10 to raise, other than what has come up in the letters from
11 today, I think we'll just proceed.

12 MR. PAULSEN: That's fine, your Honor.

13 MR. FRISCH: Nothing with regard to this witness,
14 that makes sense.

15 THE COURT: Let's have the witness back up on the
16 stand and get the jurors.

17 (Whereupon, the witness resumes the stand.)

18 THE COURT: Before we get the jury, do you have
19 copies of the reports that are referenced in the letter, paper
20 copies?

21 MR. BUFORD: We can have them brought, your Honor.
22 I was going to file it pursuant to the Court's directions.

23 THE COURT: I like a paper document, so that would
24 be great.

25 MR. PAULSEN: Your Honor, in the interim we can send

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1 an e-mail with all of them to your clerks.

2 THE COURT: That's the easiest why don't you just do
3 that.

4 Again while we're waiting for the jury, I assume
5 everybody got a chance to review the charge? I see nodding
6 from the defense table.

7 Did you all review it as well?

8 MR. FRISCH: That was an almost nod, but I'll be
9 able to.

10 THE COURT: I don't think there is a whole lot in it
11 that's is controversial, but you'll let me know.

12 (Jury enters the courtroom.)

13 THE COURTROOM DEPUTY: You may be seated.

14 THE COURT: Good morning, ladies and gentlemen.
15 Sorry to keep you waiting. We had a couple of little things
16 to iron out, but we're ready to continue with the testimony of
17 the witness.

18 THE COURTROOM DEPUTY: The witness is reminded he's
19 still under oath.

20 (Witness takes the witness stand.)

21 **ANTHONY CUNDER**, called as a witness, having been previously
22 first duly sworn/affirmed, was examined and testified further
23 as follows:

24 DIRECT EXAMINATION

25 BY MR. PAULSEN:

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1 Q Good morning Special, Agent Cunder.

2 A Good morning.

3 Q When we finished last, I believe we played a recording;
4 is that right?

5 A Yes.

6 Q I want to ask some clarifying questions about the role
7 you're playing here. Are you part of the investigation in
8 this case?

9 A No.

10 Q What role are you playing in context of this particular
11 case?

12 A So I was asked by the Government to review certain
13 evidentiary documents, particularly from Twitter. But I did
14 not play a role in the initial investigation of this case.

15 Q Do I have this right, that you were helping prepare and
16 authenticate and check the accuracy of the materials that the
17 jury sees?

18 A Yes.

19 Q But you weren't part of the team that presented this
20 case?

21 A Correct.

22 Q Is this part of your job as a Special Agent in the United
23 States Attorney's Office?

24 A Yes.

25 Q I'd like to pivot to another group chat.

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1 MR. PAULSEN: Showing to the witness Government
2 Exhibit 410.

3 THE COURT: Okay.

4 MR. PAULSEN: Government and defense counsel had a
5 conversation today. If it streamlines things, we can move all
6 these into evidence subject to the prior discussions.

7 MR. FRISCH: Correct, the prior discussions with
8 your Honor and Judge Garaufis.

9 THE COURT: Okay. Do you want to put on the record
10 what numbers you're talking about?

11 MR. PAULSEN: Sure. It's the entirety of 410, 420,
12 430, the remaining pieces of 200, and I believe 421.

13 THE COURT: Okay, those are in evidence.

14 (Government Exhibit 410, 420, 430, 200, 421, were
15 received in evidence.)

16 BY MR. PAULSEN:

17 Q Special Agent Cunder, what is the name of this group?

18 A This is group chat labeled Micro Chat.

19 Q Is the defendant in this group as well?

20 A Yes.

21 Q Can you begin reading, please?

22 A This is on July 19, 2016. ShawnMichael says: Glad to
23 serve with you guys, meme team six.

24 8bitsofsound says: Meme magic will dominate the
25 earth.

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1 Q Turn the page.

2 A From July 24, 2016. Micro says: Good job, Ben and
3 everyone. There is a link and an image with United States
4 trends.

5 Micro says: It's trending in U.S.A. keep pushing
6 that 16,000 per hour.

7 Q Special Agent Cunder, does the defendant say anything on
8 this particular moment?

9 A No.

10 Q Is there a hashtag that the group is pushing at the
11 moment?

12 A Yes BernieMustDisavow.

13 MR. PAULSEN: Your Honor, may I approach?

14 THE COURT: Yes.

15 Q Special Agent Cunder, do you recall this document from
16 yesterday?

17 A Yes.

18 Q This is the summary chart you made summarizing how often
19 the defendant used a particular hashtag; is that right?

20 A Yes.

21 Q Did you look up this #BernieMustDisavow hashtag on or
22 about July 24?

23 A Yes.

24 Q What did you determine?

25 A Between July 23 and July 24 the defendant used that

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1 hashtag in 25 of his tweets.

2 Q Can you turn the page?

3 A This is the Micro Chat, August 15, 2016. 8bitsofsound:
4 Watching Trump's Youngstown speech. He's speaking with a very
5 low, controlled voice, different than previous speeches.

6 The defendant says: Sounds really good. Last two
7 months of the campaign will be more like seduction, wooing
8 wavering voters.

9 Q Next page?

10 A Defendant says, this is from September 8, 2016, Micro
11 Chat, the defendant says: Let's flip his poll, going to need
12 about 3,000 votes to do it. Easy. There is a link with an
13 image of a Twitter poll.

14 MrCharlieCoker says: Voted.

15 Twitter user says: Voted.

16 Twitter user says: Voted.

17 8bitsofsound says: Voted.

18 Q Special Agent Cunder I'll skip ahead to the next page,
19 Government 410, page five. Did you testify yesterday that the
20 defendant first got kicked out of Twitter around October 5,
21 2016; is that right?

22 A Yes.

23 Q Can you read the next page, page five?

24 A From October 7, 2016, Twitter user says: Anyone hear
25 from Ricky? He's still in this chat but not on his other.

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1 DJTurboNips says: He's been active on Facebook.

2 Vendetta says: He replied to a message from me on
3 there. I was showing some of the fan art and the memes.

4 Facebook is Deplorable Vaughn.

5 Q Special Agent Cunder, I'd like to jump ahead to
6 October 28. Can you describe what we see here.

7 8bitsofsound says: Also this one is pretty good.
8 There is an image a woman lying on the ground --

9 THE COURT: I think the jury can see it. I don't
10 think we need to read every word.

11 Q For photos you can just reference the photo and move on.

12 A 8bitsofsound says: Remember to vote November 12.

13 Twitter user says: That's my fave so far. There is
14 a link and an image.

15 Q Special Agent Cunder, do you recall yesterday that you
16 shown DraftOurDaughters memes in the other chat, the War Room?

17 A Yes.

18 Q Was that about the same time?

19 A Yes.

20 Q You also showed a number of tweets from the defendant and
21 other members of the War Room; is that right?

22 A Yes.

23 Q Can you go to the next page?

24 A October 28, 2016. DonaldJBismarck says: Meme magic is
25 real. A link to a Twitter post.

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1 Micro says: Bismark, ha ha ha. OMFG, we need GTO
2 push that even more now. That's hawt.

3 Twitter user says: En fuego.

4 Q What does the tweet that was shared say?

5 A From DonaldJBismarck, it says: Word from a friend, ICE
6 agents will be outside polling places looking for illegals to
7 deport. Spread the word.

8 Q Do you recall sharing or describing for the jury one of
9 the defendant's tweets with a similar phonetic issue?

10 A Yes.

11 Q Can you turn the page, please.

12 A On October 28, Micro Chat NeilTurner says: Ha ha, it did
13 work quite well. There is a link to a post.

14 Twitter user says: Go ICE.

15 Q Is this the same NeilTurner from the War Room chat?

16 A Yes.

17 Q And the Micro, that's the same Micro from that chat as
18 well?

19 A Yes.

20 Q The defendant is not in this room at this point?

21 A Correct.

22 Q He hasn't reentered?

23 A Correct.

24 Q Can you turn the page, page nine?

25 A On October 29, Micro Chat, Twitter user says: I think he

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1 #DraftOurDaughters meme should continue as well, a lot of
2 traction so far.

3 HalleyBorderCol posts a link to a meme with the post
4 Hillary using #PresidentialElection.

5 HalleyBorderCol posts another link with an image
6 says: Vote early, text Hillary to a number.

7 THE COURT: I'm not trying to involve myself too
8 much. I don't think it's necessary to describe pictures --

9 MR. PAULSEN: Yes, your Honor.

10 THE COURT: -- that the jury can see okay.

11 MR. PAULSEN: Yes, your Honor.

12 BY MR. PAULSEN:

13 Q Special Agent Cunder, for all the pictures -- on these,
14 though, these are the same two pictures that were in the War
15 Room chat?

16 A Yes.

17 Q These were also posted by the same person
18 HalleyBorderCol?

19 A Yes.

20 Q If you can turn the page and reference the photos and
21 we'll move on.

22 A October 30, Johnny_nimble says: There was talk a while
23 ago of winning women through emotional memes. I think this
24 series of memes, be it the ones above or the earlier
25 DraftOurDaughters are master strokes. I didn't know how they

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1 did it, but whoever did gets a high five.

2 8bitsofsound says: This new fake campaign ads are
3 brilliant.

4 Le_skooks says: They are fucking perfect. There is
5 a link and image.

6 Twitter user says: Yeah a bunch of people started
7 threads and presumably are still making for #DraftOurDaughters
8 OC.

9 Q Next page?

10 A Le_skooks posts link and image. Buzzfeed took the bait
11 LOL.

12 Twitter user says: I really think the ones that
13 them crying on the grave stones or little girls or other
14 sympathetic characters are better optics. The ones with
15 chicks with guns like that can have the opposite emotional
16 effect we want. It can give women the, yeah tough chicks
17 feeling, because they can't read into it far. Just my two
18 cents.

19 Q Next pages?

20 A Twitter user says: These last two picks, while the
21 layout et cetera is good, can inspire women a bit I think.
22 There is a link and image. Like that one is good still.
23 Stuff like that, IMO. A lot of normies probably do think
24 chicks in the army is possible and cool. That's what I'm
25 saying.

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1 Q The next page?

2 A Le_skooks says: It's supposed to be subtle, that way
3 those crazy rawr rawr girl power women, few in number, can be
4 scrutinized for being pro-war. Most of those normies just
5 talk a good game. They wouldn't go. They know they wouldn't
6 go. Anything else is a lie or a front. Most women don't want
7 to go to war, nor do they support a mandatory draft for women.

8 Twitter user says: No, they wouldn't. But I think
9 it just may galvanize their tough women vote Hillary meme.
10 Please smash this one. There is a link.

11 Q Turning the page, there is another picture from Micro?

12 A Yes.

13 Q Turning the next page?

14 A Micro says: This goes cross site, so it should be big,
15 just like the #DraftOurDaughters took off.

16 Q Special Agent Cunder, is this the same photo we saw in
17 the other group?

18 A Yes.

19 Q Read to the text in the bottom?

20 A Twitter user says: Awesome plan.

21 Micro says: If you're on 4chan or know the thread,
22 I don't. Someone should post that we have Twitter and Reddit
23 involved. It's up on rising on Reddit, just getting this out
24 there on Twitter now.

25 Q I'd like to pause for a second. I asked you this

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1 yesterday, what is 4chan again?

2 A A messaging board.

3 Q Fair to say spreading these over various places?

4 A Yes.

5 Q If you can go on?

6 A Twitter user says: Cool, I'm ready, have several links
7 on that.

8 Johnnynimble says: I'm comfortable with this.

9 Q Turn the page?

10 A November 1st, Micro Chat. Twitter user says: Anyone
11 have that meme that said, when no one retweet us Ricky would.

12 Twitter user posts a link to an image of the
13 defendant's profile Twitter user says, he he.

14 Q Turning the page.

15 A Twitter user posts a link and image.

16 Q The link says: When no one would retweet us Ricky would?

17 A Yes.

18 Q Turning to page 18.

19 A November 2, in the Micro Chat, DonaldJBismarck says: I
20 know when why Ricky was suspended. He was posting this shit
21 and people freaked out.

22 Q Special Agent Cunder, is that one of the images that the
23 defendant spread?

24 A Yes.

25 DonaldJBismarck continued: I guarantee he had a 100

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1 plus people reporting him. He had black ones too.

2 Q Turn one more page.

3 A November 2, DonaldJBismarck says: I saw his page and all
4 the responses. There was and all out assault on him from
5 lefties posting that picture.

6 Micro says: This is single sample size time, not
7 proof, just saying, own experience they don't touch me any
8 more.

9 Q Turning to page 20.

10 A November 4, in the Micro Chat, DonaldJBismarck says:
11 Demp, I think it was CTR. There were some libs that were
12 really pissed I was tweeting these pics. There is a link and
13 image.

14 8bitsofsound says: #DraftOurDaughters is still my
15 fave.

16 Q So this DonaldJBismarck says he was sending this around
17 as well?

18 A Yes.

19 Q Turning to the next page.

20 A November 5 DJTurboNips posts a link and image.

21 Twitter user says: At Micro chat's Twitter handle.

22 Q Is this the same image we saw on the last group where
23 Microchip's new account was advertised to the group?

24 A Yes.

25 Q Fair to say he gets kicked off Twitter periodically?

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1 A Yes.

2 Q Microchip says: Not sure why, I didn't say anything
3 fucked up. Oh, whatever.

4 TazelTov says: Send me a DM Micro. I'll craft you
5 a refollow tweet.

6 Microchip says: Thanks.

7 Q Then the last page?

8 A Microchip says: Remember. There is a link and an image.

9 MrCharlieCoker says: I hope some stoners fall for
10 in, especially somewhere like Colorado.

11 Q That image, the one with the individual holding the sign,
12 do you know who that is a picture of?

13 A No.

14 Q That's the same image that is in the other group; is that
15 right?

16 A Yes.

17 Q Special Agent Cunder, we're done with the Micro Chat.
18 I'd like to ask you some other questions about Government
19 Exhibit 200 again, which we were talking about last time.

20 Did you review any other materials in which the
21 defendant and Microchip just referenced each other as they
22 were tweeting?

23 A Yes.

24 MR. PAULSEN: Your Honor, may I show Government
25 200-O to the witness and jury?

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1 THE COURT: Yes.

2 BY MR. PAULSEN:

3 Q Can you please read?

4 A This is a tweet from the defendant, May 13. Retweet
5 @KamVTV: Microchip got suspended for posting Hillary videos.
6 Add him back. Liberals will not win. There is a link.

7 Q The next one?

8 A Tweet from the defendant on October 5. Retweet
9 @Ricky_Vaughn99: Please block clone accounts @RealRickyVaughn
10 and @RickyVaughn_99.

11 Q So Special Agent, in this tweet is the defendant telling
12 certain people some accounts are not his?

13 A Yes.

14 Q What happens on the next page?

15 MR. FRISCH: Your Honor, can I just -- object to the
16 question. I ask that the answer be struck.

17 THE COURT: I'll sustain it as to form.

18 MR. PAULSEN: It's unnecessary, your Honor.

19 THE COURT: You're withdrawing it; then the
20 testimony is stricken.

21 BY MR. PAULSEN:

22 Q Special Agent Cunder, what happens on the next tweet?

23 A This is from Microchip where he's retweeting
24 @RickyVaughn_99: Please block clone accounts @RealRickyVaughn
25 and @RickyVaughn_99.

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1 Q Fair to say Microchip is retweeting what Ricky Vaughn
2 just sent?

3 A Yes.

4 Q That picture, is that Microchip's avatar around that
5 time?

6 A At that time, yes.

7 Q The next one?

8 A Tweet from Microchip. It says: If they don't #FreeRicky
9 within two hours, I'm going to choke myself out on
10 #periscopeco. This is on October 6.

11 Q Special Agent Cunder, this is October 6, right?

12 A Yes.

13 Q Is that the day after he was kicked off Twitter?

14 A Yes.

15 Q The next one?

16 A This is a tweet from Microchip. #FreeRicky. There is a
17 link and an image of United States trends on October 5.

18 Q The next page?

19 A A tweet from Microchip on October 6. It says: Irony
20 overload #FreeRicky trends to number two in U.S. but we've not
21 been able to do same with #Trump content, as #TrumpTrain since
22 #CruzSexScandal. There is a link and an image.

23 Q The next one?

24 A Tweet from Microchip retweeting the defendant. The fire
25 is indeed rising. There is a link.

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1 Q Special Agent Cunder, this account, @TheRickyVaughn, is
2 that the defendant's new account around that time?

3 A Yes.

4 Q Turning the page?

5 A This is a tweet from the defendant on November 4: TFW
6 you haphazardly post a poll/meme it winds up on CNN. A link
7 and image.

8 Q Special Agent Cunder, we saw this tweet before, right?

9 A Yes.

10 Q The defendant had then sent this to the War Room as well;
11 is that right?

12 A Yes.

13 Q So what happened in the next one?

14 A Microchip retweets the defendant that says: TFW you
15 haphazardly post a poll/meme it winds up on CNN. The link and
16 the same image.

17 Q The final one, page ten?

18 A This is a tweet from the defendant, retweeting Microchip.
19 It says: Heard from Hillary, they have so many voters out
20 there that if you plan on voting for Hillary just stay home,
21 you're not needed #ElectionDay.

22 Q Special Agent Cunder, in addition to these did you review
23 any direct message statements involving Microchip between
24 September 26 and November 8 in which he referenced either the
25 defendant or the groups that they were in together?

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1 A Yes.

2 Q Can you read 200P please, page one?

3 A This is a direct message between a Twitter user and
4 Microchip from October 11, 2016. Twitter user says: For
5 sure. Thank you. Glad you keep coming back. First Milo then
6 Ricky. We need more accounts. There are big Trump accounts
7 but they don't produce content streams like you do.

8 Microchip says: Ricky is back. I can't remember
9 his account name, I'll send it to you sometime.

10 Twitter user says: It's definitely him? That's
11 great news. Gab.ai is dead.

12 Microchip says: Yep, gab is dead. They jacked up
13 on the launching of it.

14 Twitter user says: Looks like the Ricky account
15 isn't real. There is a link.

16 Microchip says: Well, us big groups are in contact
17 with him.

18 Q Next page?

19 A Microchip continues: I can't believe I've gotten away
20 with what I'm doing for so long. We have a million dollar
21 campaign in Hillary and they have no idea how I spread like
22 cancer.

23 Q Turn to page three?

24 A A direct message between Ms. Patriarch and Microchip from
25 October 13, 2016.

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1 Ms. Patriarch says: By the way @TheRickyVaughn is
2 actual Ricky. 100 percent confirmed.

3 Microchip says: Yep, yep. He's being just as weird
4 as the real Ricky Vaughn too. I think the kid is socially
5 awkward or something. He barely talks in DMS.

6 Ms. Patriarch: He's being cagey because he knows
7 he's being watched. So we're running three or four accounts
8 simultaneously all pretending to be Ricky.

9 Microchip: Ah, I see.

10 October 14, Microchip says: Bound to happen
11 sometime that academia must understand how this election was
12 rocked by shit posting.

13 Ms. Patriarch says: It's important.

14 Q Then the final one?

15 A A direct message between Ms. Patriarch and Microchip from
16 November 2. Ms. Patriarch says: Hey Micro, do you know of
17 any retweet groups like the War Room that I can use to retweet
18 content?

19 Microchip says: Not right now. The War Room is the
20 most active. The others are just shit really. And not ones
21 where I could get anyone in, I don't own them or make them.

22 Q That's what you had read earlier yesterday from documents
23 from the War Room; is that true?

24 A Yes.

25 Q Okay. Referring to Government Exhibit 500 the chart that

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1 you have in front of you. Did you look into whether the
2 defendant retweeted Microchip, and conversely, whether
3 Microchip retweeted the defendant between September 16 and
4 November 8?

5 A Yes.

6 Q Did you record those findings on to the chart that was
7 previously admitted into evidence?

8 A Yes.

9 Q You checked those statements were true and accurate?

10 A Yes.

11 Q During that time period the approximate six weeks before
12 the election, how many times did Microchip retweet Ricky
13 Vaughn?

14 A Twenty-one.

15 Q During that time period, how often did the defendant
16 retweet Microchip?

17 A About 160.

18 Q Special Agent Cunder, I'd like to pivot to a pair of
19 group chats that both go by the name Madman, that's the last
20 two that I'll do today. Have you reviewed these before?

21 A Yes.

22 Q Starting with Madman #1, is the defendant in this group?

23 A Yes.

24 Q Can you start in the beginning, page one?

25 A This is the group chat called Madman, March 3rd, 2016.

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1 PizzaPartyBen says: Official Trump GC, group chat, if any of
2 you don't want to be a part, just let me know.

3 March 11 the defendant says: Holy shit, Dobbs
4 retweet me, LOL.

5 On March 14, OldRowOfficial says: Ricky you need to
6 tell your shit lord army to post on Instagram more. It's easy
7 to raid comment section on Insta. And you can gain a ton of
8 followers just reposting dank Trump memes and using common
9 searched hashtags.

10 Defendant says: Interesting idea about Instagram.

11 Nero says: Ricky that MVP.

12 Q Next page?

13 A March 21, PizzaPartyBen says: Where has Ricky been?

14 Defendant says: Sup fam. You rang?

15 PizzaPartyBen says: Dad I miss you.

16 Alexrileyiscool: Ricky Vaughn is a leader of the
17 movement.

18 Defendant says: LMAO. This is a movement, I'm just
19 the messenger fam.

20 Q We can skip the next page and go to page five.

21 A March 25, the defendant says: I did it fam, I made the
22 list. And there is a link to an article.

23 PizzaPartyBen says: Huge. Congrats man.

24 BakedAlaska: Grats Ricky.

25 PizzaPartyBen says: Holy shit.

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1 Q BakedAlaska, that individual, he was also a member of the
2 War Room; is that right?

3 A Yes.

4 Q You confirmed that?

5 A Yes.

6 Q We can skip the next page, moving on to page seven.

7 A On April 5, the defendant says: Dude there are some moms
8 in my mentions. They love the memes.

9 GranTorino says: Our memes have more appeal to
10 normies than we originally thought. They are breaking the
11 conditioning.

12 Defendant says: The troll army is fucking huge. I
13 like one tweet and a thousand people start trolling nick
14 searcy.

15 PizzaPartyBen says: Amazing.

16 Defendant posts a link.

17 BakedAlaska says: Fuck.

18 Defendant says: My followers just won't stop
19 trolling him.

20 PizzaPartyBen says: Everyone please welcome Jeffrey
21 T, a very important Trump train member that is making America
22 sexy again.

23 Q Turning the page.

24 A On April 20, BakedAlaska says: As bad as you want to
25 roast Bernie supporters, right now to be honest, you should

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1 being like, yeah Bernie was cheated. Because the more hatred
2 they have for Hillary, the more likely they will join us in
3 national or not vote at all.

4 Defendant says: Fam, fam.

5 BenGurgenHoffe says: That is very true. Great
6 idea.

7 BakedAlaska says: Don't piss off too much. We
8 actually need a big portion of them to win general. Just stir
9 up their madness.

10 Defendant says: Trump is playing up the "Bernie was
11 cheated" angle big right now.

12 BakedAlaska says: Yes, exactly Ricky.

13 Q This conversation continues on the next page?

14 A Yes. April 20, GranTorino says: Essentially it boiled
15 down to not necessarily increasing their favorability of
16 Trump, but increasing their hatred for Hillary. We must
17 ensure that they don't capitulate and vote Hillary.

18 BakedAlaska says: He has a new smart team. He
19 knows Hillary is going to win nom, so he's pointing out truths
20 of Bernie getting screwed. Imagine if we got even 25 percent
21 of Bernie supporters to rage vote for Trump. Huge.

22 GranTorino says: I think the trick is make them
23 hate not just Hillary but the democratic party itself.

24 Q Turning to the next page. Special Agent Cunder, I think
25 we can speed through this, but there is a long discussion that

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1 happens here in which they talk about doing photoshops that
2 make certain celebrities look like Trump supports, right?

3 A Yes.

4 Q It starts with Lana Delray; is that right?

5 A Yes.

6 Q Turning the page, Justin Bieber?

7 A Yes.

8 Q If you could start in the middle, bottom of number 12?

9 A RealRockieGold: Let Lana be the topic of discussion for
10 a while. And hit them with Bieber.

11 BakedAlaska says: Yeah we need to be coordinated.
12 Trust me, it's working. All be on the same target together
13 spreading these rumors.

14 Q Continue to the next page.

15 A BakedAlaska says: Way more effective.

16 RealRockieGold says: Yeah, exactly. I'm working on
17 Lana one right now.

18 BakedAlaska says: It's Lana until CantStump says
19 otherwise. He's the madman Twitter leader.

20 RealRockieGold says: Yes, sir.

21 BakedAlaska says: Bae. And there is a link.

22 RealRockieGold says: I fucking love that so much.

23 Breaking, Justin Bieber caught in public supporting Trump with
24 sweatshirt.

25 Q Turning to the next page.

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1 A On April 20, RealRockieGold says: People will go nuts.

2 Defendant says: Brilliant. Baked, I really like
3 this idea. We have to out meme the Bernie generation.

4 Unspectateur says: Let me get it right. And a link
5 and image.

6 BakedAlaska says: Holy fuck, yes.

7 A April 20, BakedAlaska says: I say keep up the Lana until
8 she responds.

9 RealRockieGold says: Ha ha, okay. We have JB at
10 our disposal whenever we want.

11 BakedAlaska says: Yeah but we can't jump the shark.
12 It's better to stick to one narrative at a time than to
13 declare ten different celebs endorsing him at once. That's
14 not believable. We got to orchestrate it so good that some
15 shitty tabloid even picks it up.

16 Q The next page has one of the pictures. Skip to number
17 17.

18 A BakedAlaska says: Madman Twitter prevails.

19 RealRockieGold says: Madman take over.

20 BakedAlaska: We got to make it more convincing for
21 next time.

22 Jeffytee says: Legendary.

23 RealRockieGold says: Yeah, we could really pull the
24 biggest foolery of 2016 if we make the next one spot on.

25 Unspectateur says: I didn't even know it was fake,

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1 LOL. Are you going to tweet the photo later?

2 BakedAlaska says: You guys work on the images, I'll
3 tweet them out.

4 Q Special Agent Cunder, the defendant is in this room this
5 entire time; is that right?

6 A Yes.

7 Q He just isn't saying anything in the moment; is that
8 fair?

9 A Correct.

10 Q Turn to the next page.

11 A 1080P posts a link. Can you all retweet this. I want to
12 make it a big meme.

13 PizzaPartyBen says: Do it guys.

14 BenGurgenHoffe says: Oh, I did.

15 1080P says: Old row, can you smash that retweet
16 button on my latest tweet.

17 Q 1080P, the name that you just read three times, that name
18 comes up quite a bit later in this chat; is that right?

19 A Yes.

20 Q Go on.

21 A On April 21, Unspectateur says: Virtual campaign.

22 BakedAlaska says: Who is the next target, stump?
23 We need new rumors.

24 RealRockieGold: Got to go with someone with dumb
25 fans though.

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1 Q The next page, do you know who that is? You're showing
2 you're age here.

3 A No. I don't remember the name, I recognize the face.

4 MR. PAULSEN: I think you can take judicial notice,
5 it's Ariana Grande.

6 THE COURT: You're asking me? I do recognize her.

7 Do you have any objection?

8 MR. FRISCH: No.

9 BY MR. PAULSEN:

10 Q Special Agent Cunder, if you can go forward?

11 A Unspectateur posts a link and image.

12 RealRockieGold says: Good job, dude. Your shop
13 skills are A1.

14 Q Okay. So that's the last page of this group. This is
15 entitled Madman #1, right?

16 A Yes.

17 Q The defendant is in this group the entire time; is that
18 right?

19 A Yes.

20 Q At the same time, does a parallel second Madman group
21 with some overlapping, or mostly overlapping membership, start
22 up?

23 A That's correct.

24 Q Around this time did you look to see if the defendant,
25 what he was doing on Twitter while this was happening?

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1 A Yes.

2 Q While they were talking about the various celebrities?

3 A Yes.

4 Q Showing you what is marked for identification as 421.

5 A This is a tweet from BakedAlaska. It says: Breaking
6 news, Lana Del Rey joins the #TrumpTrain.

7 MR. PAULSEN: 421 is one of the ones we'd like to
8 put into evidence as well.

9 THE COURT: Any objection?

10 MR. FRISCH: No.

11 THE COURT: That's in evidence.

12 (Government Exhibit 421, was received in evidence.)

13 BY MR. PAULSEN:

14 Q Read that again?

15 A This is a tweet from BakedAlaska. It says: Breaking
16 news Lana Del Rey joins the #TrumpTrain. There is a link and
17 image.

18 Q That's the BakedAlaska that was in the conversation a
19 moment ago?

20 A Yes. Another tweet from BakedAlaska: Breaking, Lana
21 caught in public celebrating Trump's NY primary landslide.
22 There is a link and image.

23 Q Next one?

24 THE COURT: I don't think we have -- it seems to say
25 the same thing. You can show them, but I don't think it's

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1 necessary to read it.

2 MR. PAULSEN: Thank you, your Honor.

3 BY MR. PAULSEN:

4 Q Special Agent Cunder, is this the defendant doing the
5 same one?

6 A This is a defendant retweeting one of the previous tweets
7 from BakedAlaska.

8 Q The next one, is this the defendant retweeting the
9 BakedAlaska tweet?

10 A Yes.

11 Q And then?

12 A This is BakedAlaska tweet referencing: Ariana spotted
13 outside her Hollywood home wearing a Trump 2016 hat.

14 Q Next page. Is this the defendant retweeting that one as
15 well?

16 A Yes.

17 Q This is all about the same time the conversation is
18 happening?

19 A Yes.

20 Q Then this is a -- did you look at direct messages as well
21 around this time?

22 A Yes.

23 Q Who is this direct messaging between?

24 A BakedAlaska and the defendant.

25 Q Can you read this for the jury?

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1 A April 22, BakedAlaska sends a link to one of the tweets.
2 BakedAlaska says: New target.

3 On April 23, BakedAlaska says: You want to join the
4 Trump HQ slack for more coordinated efforts?

5 April 28, the defendant says: By the way I have
6 Iggy Azalea with a MAGA hat.

7 Q Did you then review any documents in which the defendant
8 and BakedAlaska push pictures of Iggy Azalea in a MAGA cap?

9 A Yes.

10 Q Is that one such image?

11 A Yes.

12 Q Then the next one, is that BakedAlaska reforwarding?

13 A Yes, BakedAlaska is retweeting.

14 Q Special Agent Cunder, I'd like to pivot to the final
15 group. You mentioned a moment ago that Madman restarted as a
16 second iteration; is that right?

17 A Yes.

18 Q Can you read Government Exhibit 430, already in evidence?

19 A This is in the second Madman chat. On April 4, defendant
20 says: Honored to be in this group fam.

21 Twitter user says: Ricky, you the realist.

22 PaulTown says: It's just Ricky and me. Ricky, you
23 missed a good Skype call yesterday.

24 Defendant says: I got to get in on this Skype.

25 Q We're going to skip to page three.

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1 A April 19, GranTorino says: I think we have a new member
2 of #MadmanTwitter. There is an image.

3 BakedAlaska says: Yo, let's make of Lana MAGA
4 memes.

5 Q Special Agent Cunder, the next few pages, we can skip
6 them, do they essentially incorporate a parallel conversation
7 involving all the same images you saw a moment ago?

8 A Yes.

9 Q So with the same sort of activity that you just showed in
10 Madman #1?

11 A Correct.

12 Q Let's skip to page six.

13 A On May 2, the defendant says: Can't strump, did you make
14 this? This is topkek. A link to the defendant's tweets.

15 Q Turning to the next page, to page 14 I believe.

16 A On May 8, the defendant says: Madman. Posts a link.
17 That bruise is the cruz thing, fucking hilarious. Did you
18 post that?

19 Q Then following up, the next day -- next page rather.

20 A Defendant continues: Cruzies can't meme due to
21 underdeveloped sense of humor and sense of empathy.

22 Q Page 16, what do we see here?

23 A On May 9, Frog_tay says: There is a thread about Ricky
24 LOL. There is a link and image.

25 Q Can you zoom in where the link is from, Ms. Parshad?

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1 Can you see, Special Agent Cunder, what website it
2 was from?

3 A It looks like a 4chan board.

4 Q There was a 4chan discussion about the defendant shared
5 in this group?

6 A Yes.

7 Q Turning to page 17. What is the hashtag on this is that
8 the defendant is sharing?

9 A #InTrumpsAmerica.

10 Q Is this one of the hashtags earlier that he spread
11 through various direct message groups?

12 A Yes.

13 Q So he's putting it here as well?

14 A Yes.

15 Q What is the conversation after that?

16 A May 20, OldRowSwig says: Sometimes not being full shit
17 lord is more effective in converting normies. My opinion at
18 least.

19 PaulTown says: True.

20 OldRowSwig says: Ricky kind of gets it.

21 Q The next page?

22 A On July 1st, Twitter user says: Ricky is the best nerve
23 center for info.

24 Q Next page?

25 A July 17, Unspectateur says: Ricky needs to see this

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1 LMAO. His engagement rate is crazy.

2 KeyStoneSmooth says: Sheet, I'm been about to text
3 him right now.

4 Twitter user says: Already done it mang. He's
5 replying too.

6 KeyStonesmooth says: Ha ha wew.

7 Q Special Agent Cunder, the defendant is not specifically
8 responding to them at this moment; is that right?

9 A Not in this.

10 Q But he's still in the group and is being talked about; is
11 that fair?

12 A Yes.

13 Q The next, on July 18?

14 A BakedAlaska says: Just provide banter and memes for us
15 please. We need the Madman to deliver.

16 Q Next page?

17 A July 21, GranTorino says: Shocked that Ricky Vaughn
18 hasn't been axed by Twitter yet.

19 Twitter user says: Soon, unfortunately.

20 Q Next page?

21 A July 23, defendant says: Please contribute a tweet to
22 #KaineandUnable2016, maybe we can trend it.

23 Q Special Agent Cunder, did you look at that hashtag on
24 your chart?

25 A Yes.

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1 Q What did you find out?

2 A Between July 23 and July 24 defendant used that hashtag
3 in 19 of his tweets.

4 Q Turning the page, page 22?

5 A July 23, defendant says: This image is brilliant. "Who
6 needs as job when you have a female president."

7 Q There is a picture below?

8 A Yes.

9 Q Is that picture shared by HalleyBorderCol; is that right?

10 A Yes.

11 Q Fair to say HalleyBorderCol was a member of the Madman
12 group and the Micro group, the two that you had went through
13 prior to this?

14 A Yes.

15 Q Next page?

16 A On July 24, BakedAlaska says: Guys we are controlling
17 the narrative. This is amazing.

18 Defendant says: We are running Twitter right now.
19 Okay, I have a new hashtag I think we should push. Purpose is
20 to mock the neocons and democrats.
21 #ClintonConspiracyTheories. Format look like this.

22 Q Special Agent Cunder, did you look up that hashtag on
23 your chart?

24 A Yes.

25 Q What did you learn?

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1 A On July 24 the defendant used that hashtag in 31 of his
2 tweets.

3 Q That's the day he just shared it with the group?

4 A Yes.

5 Q Next page?

6 A July 25, PizzaPartyBen says: We're now meeting at levels
7 that scientists haven't even predicted any more.

8 Defendant says: I'm pushing #WriteInBernie.

9 PizzaPartyBen says: Yes.

10 Q Did you look up that hacker tag on your chart, Special
11 Agent Cunder?

12 A Yes.

13 (Continued on next page.)
14
15
16
17
18
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25

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1 BY MR. PAULSEN: (Continuing.)

2 Q What did you find?

3 A July 25th he used that hashtag six times.

4 Q Okay.

5 Moving on to page 25.

6 A On July 27th, GranTorino says: You know considering the
7 influence of meme magic this election cycle, you'd think that
8 pundits would be more careful when it comes to comparing Trump
9 to other regimes lest they meme him into one. Hehe.

10 MikeMa says: The meme magic is already flowing.

11 1080p says: Pulled from Hillary Clinton ad. I need
12 to know what font this is.

13 There's a link.

14 VeyTheBae says: It looks like a font from the
15 Futura family.

16 Mike ma says: No, it's not Futura, it's on the tip
17 of my tongue, though.

18 MikeMa posts a link to fonts. That's not the exact
19 font, but it's similar.

20 Q This is the 1080p that I asked you about earlier?

21 A Yes.

22 Q And the 1080p is going to come up a little bit later?

23 A Yes.

24 Q Is it fair to say 1080p is talking about pulling fonts
25 from a Hillary Clinton ad?

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1 A Yes.

2 THE COURT: Just don't talk too fast, okay?

3 MR. PAULSEN: Yes, Your Honor, I apologize.

4 BY MR. PAULSEN:

5 Q If you can turn to page 27.

6 A July 28th, the defendant says: Roseanne retweeted me,
7 too, LOL.

8 JoshLekach says: She retweeted me. She retweeted
9 my Bernie tweet from two days ago.

10 Q I'm going to skip a few, Special Agent Cunder.

11 Skipping ahead to page [sic] 430, page 31.

12 A On August 5th, MikeMa says: I can we need to facelift of
13 the Trump memes and start being more positive. The comp thing
14 left a negative spin on things, obviously.

15 VeyTheBae says: Good idea Mike. I will see if I
16 can't come up with some stuff later tonight. Even if he
17 fucked up, morale must be kept up.

18 MikeMa says: Some positive meme magic.

19 VeyTheBae says: He's come back from far worse. He
20 can again. Gotta believe in meme magic.

21 Q And then the defendant responds, but it's redacted; is
22 that right?

23 A Correct.

24 Q All right.

25 Moving on to -- skipping two pages ahead, let's move

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1 to 34.

2 A On August 19th, Jakekass says: Anyone know the Trump
3 campaign font?

4 Keystonesmooth says: Titles are using old standard
5 TT on his sight. Text is Montserrat. I don't know how to
6 figure out signs, though.

7 Q So it's more discussions about what text -- fonts to use;
8 is that right?

9 A (No verbal response.)

10 Q All right.

11 The next page.

12 A August -- on August 21st, Urpochan posts a link and an
13 image.

14 Jeffytee says: Solid follow, love Ricky, can't
15 follow for optics.

16 Q Special Agent Cunder, the name Urpochan. Did you check
17 to see whether that account was also a member of the Micro
18 Chat we just reviewed?

19 A Yes.

20 Q And was he or she?

21 A Yes.

22 Q Turning the page.

23 A On August 24th, GranTorino says: Disgusted that Trump
24 campaign hasn't officially reached out to #MadmanTwitter.

25 Q Okay. The next page.

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1 A September 1st. GranTorino says: #MadmanTwitter on the
2 rise.

3 Q The next page?

4 A September 5th, there's a redacted image from the
5 defendant and says: This one is for #MadmanTwitter.

6 PizzaPartyBen says: ILY.

7 BeardsonBeardly says: WEW.

8 Jakekass says: #HackingHillary top kek.

9 PaulTown: Says LOL.

10 Q Did you check to see if HackingHillary was one that he
11 had used around that time?

12 A Yes.

13 Q What did you find out?

14 A Between September 5th and September 6th, he used that
15 hashtag 66 times.

16 Q Okay.

17 And then on the bottom, the name PaulTown __, was
18 that individual also a member of the Micro Chat that we did a
19 little bit earlier.

20 A Yes.

21 Q In addition to Urpochan and PaulTown, were there other
22 individuals that you saw that were in both this chat and
23 microchat?

24 A Yes.

25 Q Did that include AlwaysSmooth?

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1 A Yes.

2 Q All right.

3 Moving to the next page, 39.

4 A On September 5th, the defendant posts a link.

5 Urpochan posts another link.

6 PartyGoy says: Teehee.

7 Q I think we can skip -- we can skip now to page 41?

8 A On settlement 15th, GranTorino says: The killer of all
9 memes with a link.

10 Defendant says: LOL.

11 Jeffytee says: Yeppppp, they'll beat Harambe into
12 the ground for another month thinking they're cutting edge.

13 Frog_tay says: Meme team supreme in this bitch. We
14 run it.

15 Q And then finally, on page 42.

16 A September 15th, defendant posts a link.

17 Kek continues to bless us with another link.

18 Q Okay. So the defendant is in the group at this point
19 still; is that correct?

20 A Yes.

21 Q Moving to page 43.

22 MR. PAULSEN: And if Your Honor -- if the defendant
23 could read this particular image.

24 THE COURT: That's fine.

25 BY MR. PAULSEN:

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1 A On September 26th, Urpochan says: Can we fix something
2 like this for Hillary? Laughing face emoji. November 8.th
3 there's a link and then an image.

4 MR. PAULSEN: Ms. Parshad, can you Zoom in on the
5 red part first.

6 A This image says: Save yourself a trip. You can now vote
7 online via social media. Simply post -- in quotes -- "vote
8 remain" on your Facebook or Twitter account with the following
9 hashtag: #EUReferendum on the 23rd June, between 7:00 a.m.
10 and 10:00 p.m.

11 And there's an image again. It says: Vote remain
12 23 June.

13 Q And it has some fine print on the bottom, logo of the
14 Labor Party?

15 A Yes.

16 Q Did this relate to the Brexit earlier that summer?

17 A My understanding, yes.

18 Q And can you read some of the responses?

19 A Various posts from different users saying: I am voting
20 remain in EU Referendum, vote remain, #EUReferendum.

21 Another --

22 THE COURT: You don't have to read them all.

23 MR. PAULSEN: Okay.

24 BY MR. PAULSEN:

25 Q There are several individuals who just vote: Vote

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1 remain; is that right?

2 A Yes.

3 Q Who sent this again?

4 A Could you Zoom out?

5 Urpochan.

6 Q This is the Urpochan from microchat as well?

7 A Yes.

8 Q Okay.

9 What are the responses to this.

10 A GranTorino says: Typical that all dopey minorities fell
11 for it.

12 Q Now, this is September 26th; is that right, Special Agent
13 Cunder?

14 A Yes.

15 Q Turning to the next page, page 44.

16 A October 5th, GranTorino says: Twitter axed Ricky Vaughn.
17 CurveMe says: Why.

18 Jeffytee says: Damn. I loved reading Ricky.

19 Q For the next, a little more than a month, the defendant
20 is not in this group; is that right?

21 He doesn't return until little bit later.

22 A Correct.

23 Q Okay.

24 Can you read forward.

25 A October 6th , CurveMe says: #freericky.

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1 Twitter user says: This is like when Milo got axed.
2 The whole TL is Ricky avatars.

3 Q Does "TL" stand for timeline?

4 A Yes.

5 Q Okay.

6 The next page.

7 A On October 6th, unspectateur says: What happened to
8 Ricky?

9 Twitter user says: Banned for life.

10 Q The next page?

11 A October 14th, Jakekass says: Imagine if we had a hashtag
12 for minorities to convince them to vote for Trump and it
13 trended.

14 Baked Alaska says: Yea, slater , just make them
15 hate Hillary. Don't even need to mention Trump.

16 October 15th, unspectateur says: Is @TheRickyVaughn
17 really Ricky.

18 Urpochan says: Yup.

19 Q Okay.

20 The next page.

21 A October 16th, unspectateur says: Someone add Ricky back
22 in here.

23 1080p posted a link and an image.

24 Q Okay.

25 This is one of the vote by hashtag links.

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1 A Yes.

2 Q And who sends this?

3 A 1080p.

4 Q Is 1080p the individual who is talking about stealing or
5 getting Hillary fonts earlier?

6 A Yes.

7 Q Okay.

8 Go on. Page 49.

9 A On October 16th, 1080p says: How is this?

10 Frog_tay says: Beautiful.

11 Unspectateur posts some emojis. Don't post it yet
12 though. A week or less before the election. I'm making a
13 version for myself.

14 1080p says: Make sure to use the latest color
15 schemes they have.

16 PartyGoy says: Ha-ha, fuck that's good.

17 Jeffytee says: Well done.

18 Q The next page?

19 A October 16th, jeffytee says: I would get rid of the, in
20 quotes, "and elect Hillary" part at the bottom though.
21 Together we can defeat Donald Trump is more assertive.

22 Bakedalaska says: @gabe, you need to make a text
23 message version of that too.

24 1080p says: @bakedalaska, hold on.

25 Q Special Agent Cunder, bakedalaska was not in the micro

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1 group, but he was in the War Room group, is that right?

2 A Correct.

3 Q Please, go on.

4 A 1080p posts a link to an image.

5 Q Okay.

6 The next page.

7 A October 17th, 1080p posts a link to another image.

8 GranTorino says: That's fantastic.

9 Frog_tay says: I love these. Hahaha.

10 Jeffytee says: So good.

11 Keystonesmooth says: Hehe #keystonesmooth.

12 Q Next page, page 52?

13 A October 17, 1080p, another link and image. Another link
14 and an image.

15 Q Okay.

16 Turning the page to the next one.

17 A Another link and an image.

18 Q Also from 1080p?

19 A Yes.

20 Q Okay.

21 The next page, 54.

22 A October 28th, Jakekass says: Hot oc meme alert and a
23 link. Feel free to distribute.

24 GranTorino says: Stealing now.

25 Jakekass says: I'm making a few more.

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1 Q Okay.

2 Turning to page 55.

3 A October 28th Jakekass posts a link and an image.

4 1080p says: Jake, you're not as good of a meme king
5 as I am, but you're getting there.

6 Q And this is one of the Draft Our Daughters things that
7 we've seen in all the other groups?

8 A Yes.

9 Q Okay.

10 Next page.

11 A October 28th, 1080p says: I will send you some pointers.
12 And there's a link and an image.

13 Q Okay.

14 Next page.

15 A October 28th, Twitter user says: Ha-ha.

16 Jakekass says: That's okay. But if you want some
17 help with the next one, DM me.

18 GranTorino says: That's tremendous, Gabe. Dopey
19 shitlibs will fall for it, too.

20 Twitter user says: They absolutely will. That's
21 awesome.

22 Q All right.

23 The next page.

24 A October 28th, 1080p posts another link with an image.

25 Jakekass posts a link and an image.

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1 Q Okay.

2 Page 59.

3 A October 29th, GranTorino says: Kek, he used one of
4 Jakes. There's a link.

5 OldRowSwig says: Get out the vote.

6 1080p posts a link and an image.

7 Q So he posts another one of these sort of images.

8 A Yes.

9 Q Okay.

10 The next page. Page 60.

11 A October 29th, Jakekass says Wew.

12 1080p posts a link and another image.

13 Q Okay.

14 Turning to the next page.

15 A October 29, 1080p says: You have to use old Twitter
16 accounts when doing edgy shit. Old ones don't get suspended
17 easily. Mine's from May 2007. I can say whatever I want.

18 PaulTown says: Aren't follower numbers also a
19 factor.

20 GranTorino says: That might explain why it took
21 Ricky Vaughn so long to be axed by Jack. Shocked he lasted as
22 long as he did.

23 Q Okay.

24 Turning the page to page 62.

25 A November 2nd, 1080p posts a link and an image.

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455

1 Keystonesmooth says: Hehe.

2 CurveMe posts a link and there's an image.

3 Q All right.

4 So the -- just on this one, the top picture, is that
5 the same one that we saw Microchip share in the madman group
6 and in the Micro chat.

7 A Yes.

8 MR. PAULSEN: Now, Ms. Parshad, if you could zoom
9 in on the bottom picture.

10 Q You can read what is said there, Special Agent Cunder?

11 A CurveMe tweets out that image.

12 A Twitter user Pimp_Lord says: @ CurveMe: Wait.
13 Is this a real thing?

14 Q Now, turning the page, page 63?

15 A November 2nd, jeffyteee says: This is legit too. Link
16 and an image.

17 1080p says: Hehe. Link, and an image.

18 Q Special Agent Cunder, have we seen that top one before?

19 A Yes.

20 MR. PAULSEN: Ms. Parshad, can you show the witness
21 what's -- I think it's 722.

22 (Exhibit published.)

23 BY MR. PAULSEN:

24 Q Is that the same image, the one that the defendant
25 tweeted out on November 2nd?

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1 A He retweeted this one from nia4_trump.

2 MR. PAULSEN: And then going back to the -- going
3 back to the previous page, on page 63 of 430.

4 Q This is November 2nd; is that right?

5 A Yes.

6 Q Okay.

7 MR. PAULSEN: Turn the page.

8 A November 2nd, 1080p posts a link to a BuzzFeed article
9 with the title: Twitter Finally Blocks Attempt to
10 Disenfranchise Voters.

11 1080p says: Ha-ha.

12 Q Okay.

13 The -- and this is an article about -- in part,
14 about the defendant being kicked off Twitter.

15 A Yes.

16 Q Turning the page to 65.

17 A November 3rd, OldRowSwig says: LOL Ricky.

18 Twitter user says: P sure I got a 12 hour
19 suspension for posting that, quote, "vote for Hillary in the
20 comfort of your home" shit. Ha-ha.

21 Twitter user says: Like 80 percent sure.

22 CurveMe says: Yeah, you did. It's a violation of
23 Twitter rules now.

24 Twitter user says: Lame.

25 Q Now, jumping to the final few pages, page 67.

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1 A November 9th, Twitter user says: All you influencers
2 deserve a pat on the back fam. Meme warfare prevails.

3 Q Special Agent Cunder, I will pause you for a second.

4 Does the defendant get back in the room around this
5 time.

6 A Yes.

7 Q If you can continue.

8 A Frog_tay says: Seriously, hats off to PPB, Baked, Swig
9 and everyone. Good work.

10 Unspectateur says: The madman did great work.
11 Congratulations to all of us.

12 GranTorino says: We did it, you sons of bitches.
13 Freaking madman.

14 MikeMa says: I love everyone in here. We've been
15 doing this shit for a year and it actually happened. We all
16 contributed via memes and shit posting.

17 Twitter user says: Y'all influencers just memed
18 reality. Shit is fucking lit. Tonight you are kings.

19 Q And the next? The next two pages.

20 A November 9th, bakedalaska says: Tonight we memed realty.
21 Thank you all, comrades, I love you so much.

22 Unspectateur says: Congrats, baked, thanks for the
23 hard work.

24 PartyGoy says: Jesus Christ we memed the election
25 to our favor. We truly did. Be proud.

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1 PizzaPartyBen says: We did it.

2 November 11th, unspectateur says: I didn't actually
3 make any of the stuff I posted. I had our graphics team do it
4 for me.

5 The defendant says: LOL, did we meme blacks into
6 calling each other.

7 Q So Special Agent Cunder, in addition to these, I
8 mentioned 1080p a moment ago; is that right?

9 A Yes.

10 Q Did you look at any private conversations that 1080p had
11 relating to this around the same time?

12 A Yes.

13 MR. PAULSEN: I would like to show the witness the
14 final piece here. It's Government's Exhibit 200-Q.

15 (Exhibit published.)

16 BY MR. PAULSEN:

17 Q What is this, Special Agent Cunder?

18 A This is a direct message between 1080p and Jakekass from
19 October 11th.

20 Q And pausing you for a second.

21 Were both of those individuals that were in the
22 conversation we just read.

23 A Yes.

24 Q Okay.

25 What did they say.

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1 A Jakekass says: Hey, do you have any idea what the Trump
2 campaign uses for their font? I know you snatched the Hillary
3 one.

4 1080p says: I will check in a bit.

5 Jakekass says: Cool, thanks dude. Working on some
6 graphics for the sub-Reddit.

7 BY MR. PAULSEN:

8 Q Next page of Q. Page 2.

9 A October 19th -- this is a direct message between 1080 p
10 and MsRachelDodson.

11 October 19th, 1080p posts a link and an image. When
12 do you think we should start posting these.

13 MsRachelDodson says: November 1 when the hype is
14 getting hyper.

15 Q And then the next page?

16 A Direct message between 1080p and Jakekass, October 28th.

17 Jakekass says: I will help you make ads for that
18 vote thing. Such a fucking awesome idea LMAO.

19 1080p says: Hell yeah.

20 Q And then the final two pages?

21 A October -- a direct message between 1080p and Jakekass .

22 October 29th, 1080p says: Do you want to work on a
23 new fake ad campaign together.

24 Jakekass says: Absolutely dude, let's talk about it
25 more tomorrow.

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1 1080p posts a link and an image.

2 Jakekass says: LMAI. Libs are so fucking stupid.
3 We'll definitely work together here. I kind of want to start
4 making videos, but we need someone with a good radio voice
5 microphone to do the voice-over.

6 Q Next page. The final page.

7 A On October 29th, direct message between 1080 p and
8 Jakekass.

9 Jakekass says: Do you have any idea who would be
10 able to help us -- help us out there. I want someone who
11 could provide a professional voice-over. I know one guy, but
12 he has a meaner voice.

13 That was from 1080 p.

14 Jakekass says: If we made a fake video ad, that
15 would be so mad.

16 1080p says: I have a shit ton of fake ads ready to
17 be released. He posts a bunch of links. So far I have those.

18 Q All right. Special Agent Cunder. That's the end of the
19 documents. I just have a few final questions for you.

20 In addition to reviewing the documents, did you have
21 an opportunity to review the defendant's just general Twitter
22 activity during the time period that we've been discussing,
23 September 26th to November 8th.

24 A Yes.

25 Q And this is across the multiple Twitter accounts that

Cunder - cross - Frisch

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1 were discussed in the stipulation, Government's Exhibit 901 ?

2 A Correct.

3 Q Now, I think you had testified earlier that during that
4 time period, there were three occasions when the defendant was
5 off Twitter; is that right?

6 A Yes.

7 Q What were those approximate occasions ?

8 A Approximately October 5th to October 8th; around
9 November 2nd, and then -- those were the two suspensions, and
10 then; October 20th to the 25th after the -- after tweet
11 mentioning going on vacation.

12 Q Okay.

13 Now, other than those three time periods, did you
14 look at his general Twitter activity during that overall time
15 period, the 26th of September to November 8th.

16 A Yes.

17 Q Was he on Twitter during that period?

18 A Yes.

19 Q Was he on Twitter every day?

20 A Yes.

21 Q And was he -- what -- did you have a general sense of the
22 output that he was doing at the time?

23 A The tweets were consistent, frequent, and voluminous.

24 Q Okay.

25

Official Court Reporter

A. CUNDER - CROSS - MR. FRISCH

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1

2

MR. PAULSEN: Thank you, Special Agent Cunder.

3

No further questions.

4

THE COURT: All right.

5

Are you ready to cross or do you want a break?

6

MR. FRISCH: I can do it from here. It's going to

7

be fast.

8

THE COURT: Okay.

9

CROSS-EXAMINATION

10

CROSS-EXAMINATION

11

BY MR. FRISCH:

12

Q Agent, good morning.

13

In your testimony this morning, you explained to the

14

jury that you are not the investigating agent; correct.

15

A Correct.

16

Q Essentially, what the lawyers call your testimony today

17

is a summary witness; correct?

18

A Correct.

19

Q You take the Government's evidence and you package it and

20

present it to the jury so one person can do that; correct?

21

A Yes.

22

Q In FBI parlance, is there something called a case agent?

23

A I believe that's a general investigative term.

24

Q And in FBI parlance, what does "case agent" mean?

25

What does the case agent do.

A. CUNDER - CROSS - MR. FRISCH

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1 A That would just be the primary agent that's assigned to
2 handle the case.

3 Q Essentially, the agent who is in charge of the
4 investigation when -- essentially, the agent who is in charge
5 of the investigation; is that fair?

6 A Yes, that's correct.

7 Q You are not the case agent; correct?

8 A Correct.

9 Q Is it true that for this investigation there has been
10 more than one case agent?

11 A That, I can't testify to. I'm not aware of that.

12 Q Do you know whether an agent named Dvosrky -- D-V-O-R
13 -S-K-Y -- was one -- has been one of the case agents in this
14 case?

15 A I'm not aware of that.

16 Q Do you know whether an agent named Maegan Rees --
17 R-E-E-S -- has been one of the case agents in this case?

18 MR. PAULSEN: Objection, Your Honor.

19 THE COURT: Overruled.

20 Do you know.

21 A I do recognize the name Maegan, yes.

22 BY MR. FRISCH:

23 Q And when you said you recognize the name Maegan Rees, I
24 think she married and her name may now be Maegan Rees
25 O'Rourke?

1 If you know? You may not know.

2 A That, I don't know.

3
4 Official Court Reporter

5 Q In any event, do you know that Agent Rees, at some
6 point, was the case agent in this case?

7 A I believe I can say yes, she was.

8 Q And Agent Granberg is seated here having a sip of water.
9 And she is currently the case agent in the case;

10 correct?

11 A Yes, that's my understanding.

12 Q And is it fair to say, based on your role in this case,
13 you are not aware of any other agent who may have served as
14 case agent in this case; correct?

15 A Correct. I am not aware.

16 MR. FRISCH: Thank you.

17 THE COURT: Any redirect?

18 MR. PAULSEN: No, Your Honor.

19 THE COURT: All right.

20 Thank you so much. You can step down.

21 (Witness excused.)

22 THE COURT: I just want to check with the parties
23 about scheduling over at the side.

24 So if I can have the court reporter come over for a
25 second.

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(Continued on the next page.)

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SIDEBAR CONFERENCE

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1 (Sidebar conference.)

2 THE COURT: Do you have any other witnesses to call
3 this morning?

4 MR. PAULSEN: Your Honor, our next witness is our
5 cooperating witness who I think will be somewhat extensive
6 both on direct and cross.

7 THE COURT: All right. I'm just trying to figure
8 out when to address this question that was raised this
9 morning.

10 Does it make sense to start the direct? I don't
11 understand your concerns that you've expressed have anything
12 to do with this witness. And I would just like to use our
13 time as efficiently as we can, so I think that's what we'll do
14 is we'll just start with the witness. Maybe we'll give them a
15 break now, and then we'll start with the witness. I promise
16 I'll get to it.

17 MR. FRISCH: No, I -- what I was going to say was
18 this. Number one -- and this is in reverse logical order, so
19 forgive me -- to the extent that we finish -- to the extent
20 that we begin and finish with this witness today, I will not
21 be prepared to start with Mr. Mackey today --

22 THE COURT: Okay. That's completely fine. What I
23 was going to suggest is that -- I've been multitasking a
24 little bit and took a little look at some of those things, and
25 I think I understand what's in them, but if you just need some

SIDEBAR CONFERENCE

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1 more time generally, I mean, we could take the morning off
2 tomorrow and you could take what -- if there's more that you
3 need to synthesize, I don't think anybody has any problem with
4 that.

5 I'm also assuming he will be the only -- I mean, I'm
6 not holding you to this, but my recollection was you said he
7 would be your only witness.

8 MR. FRISCH: Apart from Ariana Grande, yes.

9 The one thing I just want to say for the record,
10 and I say this in an abundance of caution, I really have not
11 had an opportunity to read the 16 reports.

12 THE COURT: Okay.

13 MR. FRISCH: I'm working hard, and I don't have the
14 -- I'm one. They're five. I just haven't been able to do it.

15 THE COURT: I'm putting away my violin.

16 MR. FRISCH: In an over abundance of caution, as I
17 stand here, I don't know that there's -- I don't want to put
18 too many double negatives in this sentence -- it makes sense
19 to me, based on the knowledge I have, to begin with
20 Mr. Microchip. At the time I haven't read the reports. So in
21 a perfect world, if we had this jury forever, I would say
22 let's adjourn now and have that time. At the same time, I
23 don't have anything specific to tell Your Honor about the
24 overlap because I haven't looked at the them yet.

25 THE COURT: I think we will begin, but after the

SIDEBAR CONFERENCE

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1 break -- and I think what we'll take is 15 minutes. Another
2 shock, I do have a couple other things going on, but not until
3 1:00.

4 Donna, sorry, those status conferences are at 1: 00
5 , right.

6 THE COURTROOM DEPUTY: Yes.

7 THE COURT: Okay.

8 So that's it. I'm going to give them 15 minutes and
9 then we'll start with the next witness.

10 MR. FRISCH: Sorry, one other thing. You proposed
11 to the parties a draft few sentences to say about a witness
12 testifying through pseudonym.

13 THE COURT: Right.

14 MR. FRISCH: I wanted to address that. And also I
15 wanted to address, when it's convenient, maybe after he
16 testifies on direct, things that we've talked about before,
17 like his work for the FBI and things of that nature.

18 THE COURT: I thought we -- well --

19 MR. FRISCH: I think if I can just be heard on that.

20 THE COURT: Yes --

21 MR. FRISCH: So there's two issues.

22 THE COURT: Well, let's do it after I send them out.

23 MR. FRISCH: Sure.

24 (End of sidebar conference.)

25

1 (In open court.)

2 THE COURT: I'm sorry for that sound. Believe me,
3 you're not missing anything.

4 So before we call the next witness, I'm just going
5 to give you about a 15-minute break. Please don't talk about
6 the case at all or anything having to do with the case, but
7 we'll see you in about 15 minutes.

8 Thank you.

9 THE COURTROOM DEPUTY: All rise.

10 (Jury exits.)

11 THE COURT: All right. Everybody can sit down.
12 Just one second.

13 All right. Mr. Frisch, you wanted to discuss the
14 question of your cross-examination of the next witness insofar
15 as it relates to his unrelated cooperation with the FBI and
16 just to set the stage.

17 I think -- I know you referenced a sealed letter
18 which, in my view, has no relevance to this discussion. And
19 then Judge Garaufis had denied the application to go into the
20 specifics of the unrelated investigation, although he
21 permitted questions about the fact of it. He said he would
22 revisit it if you raised anything new, and, to date -- at
23 least unless I've missed it -- I don't know what the new
24 information that would have changed that decision.

25 I'll just say that I don't -- I think that the law

1 is pretty clear that, absent some compelling circumstance,
2 details of an unrelated investigation to a cooperator are
3 almost never permitted because it could endanger the
4 cooperator. It could endanger ongoing cases. And maybe you
5 all have come to some kind of an agreement.

6 MR. FRISCH: Two things.

7 Number one, I think yesterday or the day before,
8 whenever we discussed this with the Court, I think Your Honor
9 and me may have been speaking past each other.

10 THE COURT: It happens.

11 MR. FRISCH: I'm not -- I have no intention, no
12 interest, and no purpose in going into the details of whatever
13 he's doing.

14 THE COURT: Okay.

15 MR. FRISCH: What I was trying to say -- and maybe I
16 just didn't say it in the most cogent way -- was that I think
17 I do have a right and I think Judge Garaufis recognizes it --
18 I think the Government acknowledges it -- I have a right to go
19 into just the general nature of the relationship with the FBI;
20 how it started; the degree of contact; the fact that he's not
21 getting paid, for example. That's my intention. Those kinds
22 of things.

23 I'm fully aware of the general concerns in this type
24 of situation. If I think that I'm about to pierce that veil,
25 so-to-speak, I don't think I will, but if I do, hopefully

1 I'll --

2 THE COURT: You will hear from me if you do.

3 MR. FRISCH: And the second thing is -- and this
4 goes to the instruction that Your Honor proposed -- it's plain
5 to me from the Government's application for the protective
6 measures that the anonymity with which the witness will
7 testify is a benefit to him, and I think that's fair game. So
8 I do intend to go into that, to some extent, to establish
9 that.

10 THE COURT: I just don't understand. It's a
11 benefit?

12 MR. FRISCH: Yes. Well, I don't want -- it is -- it
13 is absolutely a benefit to this witness that he's testifying
14 without providing his identity.

15 THE COURT: Well, you have it. I mean, I think it
16 was for attorneys' eyes only, wasn't it?

17 MR. FRISCH: No, no, no, no. Again --

18 THE COURT: I'm not misunderstanding it, but I want
19 the record to be clear that you are talking about in front of
20 the jury.

21 What case says that you are permitted to ask
22 somebody about testifying anonymously? I mean, the whole
23 point of this is -- at least in the times where I've done it
24 before -- is to give a fairly -- an instruction like the one
25 I have proposed, that it's a ruling that the Court has made,

1 that they're not to speculate about the reasons why, and that
2 it is not uncommon in a case like this, particularly where
3 there's public attention to the case.

4 I am not aware of any cases, and, you know, it's --
5 I'm sure maybe there are and I haven't seen them, in which
6 that's then a fit subject for cross-examination unless
7 there's some -- again, maybe we are talking past each other.

8 MR. FRISCH: We might be.

9 This has been -- and let me try and say this as
10 cogently as I can muster, because from my perspective, this is
11 not a controversial point, and it's for this reason:
12 Typically -- first, I disagree that this is not unusual. I
13 think that it may not be unusual for witnesses sometimes to
14 testify anonymously, but I think this is.

15 The benefit to this gentleman is that he was online
16 anonymously, and he has an interest in not having his identity
17 disclosed to protect his reputation. The Government -- that's
18 part of what the Government's application is. He has an
19 interest in not having people outside of his particular circle
20 know who he is because of what he perceives to be the
21 repercussions to him personally. Not safety. I get that.
22 And that's -- and that's fair. But there's an element of it
23 where he's getting a benefit because he gets to continue
24 anonymously without the public at large, or without people
25 outside his circle, knowing who he is.

1 Now, Your Honor --

2 THE COURT: I'm sorry. This happens any time a
3 witness testifies, either with a pseudonym or anonymously.
4 That's -- people don't get to find out who they are. To the
5 extent it's a benefit, I mean I guess --

6 MR. FRISCH: Can I be heard on this?

7 THE COURT: Yes, sure.

8 MR. FRISCH: Judge, I don't think this is a
9 situation where there is a cooperator who is testifying
10 against a cartel or testifying against a terrorist
11 organization. I get that. And the Government has proffered
12 information that maybe there's some degree of that here, and
13 that's -- and that's fair --

14 THE COURT: And I think that is what Judge Garaufis
15 found.

16 MR. FRISCH: However -- but I don't think he ruled
17 that one could not go into -- what he ruled is that his name
18 stays out of the public eye. And he can testify anonymously.
19 That's the extent of Judge Garaufis's rulings.

20 What he did not address -- and I didn't understand
21 to be part of his ruling -- is that I can cross-examine him
22 about his personal interest in remaining anonymous so that his
23 friends and family don't know that he's the guy who was online
24 saying the kinds of things that he said. I think that's fair
25 game. And that's a benefit to him.

1 There may be other reasons why he can be anonymous,
2 and those I get are -- and the Government -- I'm not quite
3 sure how they are going to present this, and we'll find out,
4 and I get that these other types of things where he's
5 analogous to someone testifying against a terrorist
6 organization or cartel, I get it, that's what Judge Garaufis
7 ruled. I think I have an absolute right to -- to some
8 extent -- I'm not going to go overboard with it -- establish
9 that he has an interest, a personal interest.

10 For example, what if the arrangement with the
11 Government is: Guys, I'm not testifying for you if I have to
12 give my true name. You have to assure me. I have a right to
13 go into that.

14 THE COURT: Here's what I will do. If you want to
15 ask him about those questions -- first of all, I am going to
16 give that instruction that they are not to speculate, and that
17 they're not to -- that that's the ruling that has been made by
18 the Court; that he is permitted to testify without giving his
19 name. But I suppose if you want to ask those kinds of
20 questions, then the Government should be permitted to ask the
21 other types of questions, which is the risk that he faces if
22 his name comes out, to the extent there is any.

23 My recollection from Judge Garaufis's opinion was
24 that there is a concern, a legitimate concern, particularly in
25 the climate we live today, that retribution against somebody

1 in this situation is a very real threat. So, you know, sauce
2 for the goose and sauce for the gander.

3 If you want to ask it, I guess the Government can
4 respond.

5 MR. GULLOTTA: Your Honor, can we be heard on this?

6 THE COURT: Sure.

7 MR. GULLOTTA: The Court is correct that
8 Judge Garaufis did find that the Government made an adequate
9 showing that -- and I can read from this --

10 THE COURT: You don't have to.

11 Can you just speak into the microphone.

12 MR. GULLOTTA: Sorry Your Honor.

13 THE COURT: That's all right.

14 MR. GULLOTTA: There's a real, nonspeculative
15 concern that revealing his identity could lead to online or
16 physical harassment or danger. So that is absolutely an issue
17 and the arguments that the defense is making about
18 analogizing this to a cartel or some other type of case, the
19 arguments he made -- prior to the Court's ruling --

20 THE COURT: I don't think he's disputing that these
21 are real concerns. He just wants to ask if there are other
22 benefits to him. And if he wants to do that, then you can
23 ask -- then you can ask the -- or -- well -- let's just see
24 how it goes.

25 MR. GULLOTTA: Can I add one more thing?

1 THE COURT: Sure.

2 MR. GULLOTTA: I believe it's being sort of
3 mischaracterized that this is a benefit conferred in exchange
4 for the witness's cooperation. It is not.

5 THE COURT: Well, he's saying can he ask that
6 question. He can ask the question, and the witness can
7 answer, but -- I mean, I guess it -- you can counter whatever
8 he says.

9 My concern is the witness's identity not be revealed
10 and I don't understand you to be seeking that.

11 MR. FRISCH: That's correct.

12 THE COURT: So if you want to ask him questions
13 about a benefit he gets from not having his name revealed,
14 that's fine. I mean, I -- and the Government can respond.

15 So I'm going to, again, have been untruthful to the
16 jury since I said I would give them a 15-minute break and that
17 has passed, so I do just want to take a few minutes and then
18 let's just meet back here at 11 :30:

19 (A recess in the proceedings was taken.)

20 THE COURTROOM DEPUTY: All rise.

21 THE COURT: Hi. Everyone can sit down.

22 Just one logistical question. Does the witness's
23 counsel -- do you need a place for that counsel to sit, or is
24 it not a --

25 MR. BUFORD: She's here, Your Honor.

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1 THE COURT: Okay.

2 Anything before we get started?

3 MR. GULLOTTA: No, Your Honor.

4 MR. FRISCH: No.

5 THE COURT: All right.

6 Do we need to bring the witness out before we bring
7 the jury in?

8 MR. BUFORD: I think either/or.

9 MR. GULLOTTA: It will be a few-minute walk for him
10 to come out. Otherwise, we're ready.

11 We're ready to proceed --

12 THE COURT: I know we're ready to proceed. I just
13 want to know if we should bring the jury out first or the
14 witness out first.

15 MR. GULLOTTA: Probably the jury.

16 THE COURT: Okay.

17 THE COURTROOM DEPUTY: All rise.

18 (Jury enters.)

19 THE COURTROOM DEPUTY: You may be seated.

20 THE COURT: All right. We are ready to resume with
21 the next witness.

22 Before the Government calls this witness, I want you
23 to know that this is a witness who will testify using his
24 online identity or moniker instead of his true name. This is
25 something that the Court is permitting, and it is not an

1 unusual practice, especially when there's some press attention
2 given to a case, and so you shouldn't be concerned about the
3 reasons why I am permitting the witness to testify using the
4 online name and keeping his identity confidential.

5 All right. Are you ready to call your next witness?

6 MR. GULLOTTA: Yes, Your Honor, the Government calls
7 Microchip.

8 (Witness takes the witness stand.)

9 **MICROCHIP**, called as a witness, having been first duly
10 sworn/affirmed, was examined and testified as follows:

11 THE COURTROOM DEPUTY: Thank you. You may be
12 seated.

13 THE COURT: All right. Just before we begin, I want
14 to give you some instructions about your testimony.

15 The first thing is that everybody in the jury and at
16 both tables has to hear what you're saying, and that's why we
17 have the microphone. The chair doesn't move, but the
18 microphone does.

19 Our court reporter takes down everything that you
20 say, so please don't speak too quickly. Don't speak over
21 anyone who is asking you questions, because it just makes
22 their job so much more difficult.

23 If there's a question that you don't understand or
24 want to have repeated, let me know, and do your best to answer
25 only the question that you are being asked. Don't volunteer

MICROCHIP - DIRECT - MR. GULLOTTA

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1 any information.

2 Okay?

3 THE WITNESS: Okay.

4 THE COURT: All right.

5 Go ahead.

6 MR. GULLOTTA: Thank you, Your Honor.

7 DIRECT EXAMINATION

8 BY MR. GULLOTTA:

9 Q Good morning, sir.

10 It do you use the alias "Microchip."

11 A I do.

12 Q Do you also use the alias "Micro?"

13 A Yes.

14 Q Are these names you've used online?

15 A They are.

16 Q And why do you use these names online?

17 A To stay anonymous.

18 Q Are you currently employed?

19 A I am.

20 Q Do you work for someone or are you self-employed?

21 A Self-employed .

22 Q What do you do?

23 A I'm a mobile application developer.

24 Q Micro, have we met before?

25 A We have.

MICROCHIP - DIRECT - MR. GULLOTTA

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1 Q Have we met multiple times?

2 A Many times, yes.

3 Q Have you met everybody at the Government's table here?

4 A I have.

5 Q Multiple times?

6 A Yes.

7 Q Including the FBI agent?

8 A Yes.

9 Q Is that because you're cooperating with the Government in
10 this case?

11 A I am.

12 Q Have you had an attorney to represent you throughout your
13 dealings with the Government?

14 A I have.

15 Q You signed a cooperation agreement with the Government?

16 A I did.

17 Q What did you agree to do in that cooperation agreement?

18 A I agreed to possibly be a witness on the case. I agreed
19 to help them on other cases.

20 Q In connection with that agreement, did you plead guilty
21 to a crime?

22 A I did.

23 Q What did you plead guilty to?

24 A Conspiracy against rights, the end of 241.

25 Q Thank you.

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1 What does your agreement say that the Government
2 will do in return for your cooperation.

3 A In return for the cooperation I get some discounted
4 points, something like that, on sentencing. They won't charge
5 me for other crimes connected to this crime and I think that's
6 it.

7 Q Who will ultimately sentence you in your case?

8 A Judge Donnelly or Judge Garaufis.

9 Q So the Government doesn't sentence you; is that correct?

10 A That's right.

11 Q Is it your hope that the Government will file a letter
12 with the judge on your behalf?

13 A Yeah, that would be great.

14 Q All right.

15 We're going to get into your life online in a
16 moment, but before we do that, can you provide a summary for
17 the jury of what you did that caused you to plead guilty.

18 A Yeah. So I was in a group -- I was in many group DMs,
19 and in one of those group DMs we crafted memes, and one of
20 the memes that was crafted there dealt with voting the
21 incorrect way; voting by text or hashtag. And then I
22 intentionally spread those memes to defraud voters of their
23 right to vote.

24 Q And is it fair to say that sometimes there was a meme and
25 sometimes it was just a text tweet?

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1 A Correct.

2 MR. GULLOTTA: I would like to show you what's
3 already been admitted as Government's Exhibit 400-33. So
4 there's a tweet on this page and Ms. Parshad, if you can zero
5 in to just the tweet.

6 THE WITNESS: Is this supposed to show up here?
7 There we go.

8 THE COURT: Got it?

9 THE WITNESS: Yes.

10 BY MR. GULLOTTA:

11 Q Just the top part, please.

12 A Read it?

13 Q Yes. So can you read this, please?

14 A Yeah, it says: Remember Hillary Clinton voters on
15 November 8th you can vote from home by twee ting #Hillary.
16 This is only set up for Hillary Clinton voters.

17 Q Is that your profile picture?

18 A It is.

19 Q Is that you in the profile picture?

20 A It is not.

21 Q What's the screen name next to the picture?

22 A MicroSpookyLeaks.

23 Q Is that a screen name you used on Twitter?

24 A Yeah, this one was crafted to celebrate Halloween.

25 Q So some variation of Micro?

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1 A Oh, yeah.

2 Q Next to that there's an account WDFX2EU7.

3 Is that your -- was that one of your Twitter
4 accounts.

5 A Oh, yeah, mm-mm.

6 Q So you posted this tweet?

7 A Yes, I did.

8 Q Does this tweet contain any information about a
9 candidate?

10 A No, nothing like that.

11 Q Does it contain any information about a political issue?

12 A No, not at all.

13 Q So it's just information -- false information about how
14 to vote?

15 A Yeah, just false information about how to vote.

16 Q So why did you tweet this?

17 A Because the hope would be that Hillary Clinton voters see
18 this and then vote incorrectly.

19 MR. GULLOTTA: Can we show the witness Government's
20 Exhibit 400-45, please? And if we can zoom in on the image.

21 (Exhibit published.)

22 BY MR. GULLOTTA:

23 Q Okay.

24 Do you recognize this image Micro.

25 A I do. It's Aziz Ansari.

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1 Q What does it say in the white box?

2 A Yeah, it says: Save time. Avoid the line. Vote from
3 home. Tweet ClintonKaine with the hashtag,
4 PresidentialElection on November 8, 2015, between 8:00 a.m.
5 and 5:00 p.m. to cast your vote.

6 Q Did you post this image to Twitter?

7 Did you tweet this.

8 A I did.

9 Q Do you remember what day you tweeted it?

10 A That was on Election Day, yeah.

11 Q In 2016 ?

12 A Mm-hmm.

13 Q And what was the purpose for this? Why did you do that?

14 A Same reason as the other one. This is on Election Day to
15 get somebody if -- well, a Hillary Clinton voter to look at
16 this and then, possibly, hashtag to vote, yeah.

17 Q State the obvious, did you think that was a valid way of
18 voting?

19 A Not at all.

20 Q When did you start using Twitter?

21 A Back in around July of 2015.

22 Q When did you start using the alias Microchip on Twitter?

23 A Anywhere from November 2015 through March 2016, somewhere
24 around there.

25 Q To the best of your knowledge, what is a tweet?

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1 A It's a snippet of information, an idea, something that
2 you want to project out to the public. Feelings. Could be
3 anything. Limited by, obviously, character count.

4 Q Did you review your tweets from 2015 and 2016 in
5 preparation for this trial?

6 A I did, yes.

7 Q In the summer and the fall of 2016, were you active on
8 Twitter?

9 A Yes.

10 Q On average, how many times a day were you tweeting?

11 A Anywhere from 300 to 500 times a day.

12 Q So thousands of times per week?

13 A Oh, yeah.

14 Q On Twitter, what is a follower?

15 A Somebody who is interested in what you're posting, so
16 they click a "follow" button and then your tweets will show up
17 in their home feed, and they can also get a notification if
18 they would like.

19 Q At the height of your following, how many followers did
20 you have?

21 A On this account, 134,000. On other accounts, 80,000,
22 30,000. Probably comes out to millions over time.

23 Q How did you build up your following?

24 A The first phase of building up the following would be
25 through bot -- bots. The first step --

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1 Q Let me stop you there. Sorry.

2 What's a bot.

3 A Yeah, it's basically -- well, it's a Twitter account that
4 is created either by human or through an automated process and
5 that account is then used to, you know, retweet, like, reply,
6 to people on Twitter.

7 Q Okay.

8 Were there specific services that you used to build
9 your following.

10 A Oh, yeah.

11 Q Can you describe those?

12 A Yeah, so one of the first services to kind of seed the
13 followers was a service called Add Me Fast, A-D-D, M-E,
14 F-A-S-T, and that service is kind of like a peer networking
15 service where I would insert the tweet into that service,
16 somebody else would insert a tweet and then, we would retweet
17 each other's information, right? And you could gain points
18 doing that and, if you accumulate points, you can then expend
19 those on likes, followers, retweets.

20 So that service, I would spend sometimes \$300 a
21 month on it. That would give you around a thousand to three
22 thousand retweets, likes, or follows.

23 Q And so this is a system in which other actual human
24 beings log in, and they will see a tweet that another member
25 has posted, and they will either follow it, follow the person,

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1 or retweet the tweet?

2 A That's right.

3 Q And then you would do the same thing for other members.

4 A And you can get points and then you can expend those,
5 also. The \$300 is, you're basically buying points to have
6 people do that or you can sit there and retweet their stuff to
7 get points, so you can do that. That was the first step.

8 Another step is using Fast Followerz and that's
9 F-A-S-T and then F-O-L-L - -

10 Q O-W-E-R-S?

11 A Yeah, but it's with a "Z," it's with a Z at the end.
12 .com, yeah.

13 And that service you spends like, a monthly fee of,
14 you know, a hundred to two hundred, sometimes three hundred
15 bucks a month. And they have control of all the bots, so you
16 don't actually retweet anything, but you put in your Twitter
17 handle or you put in a tweet that you want to get retweeted,
18 and the service that I would use would be 50 to a hundred
19 followers, something like that, a day, and then those
20 followers would also retweet or "like" my tweets anywhere from
21 three to five times.

22 Q Did you build your following organically, too, without
23 the use of bots?

24 A Oh, yeah. The bots were there only to accumulate
25 anywhere from a thousand to 5,000 followers, at which point

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1 people would see that account and then say, oh, maybe this
2 person has something interesting to say, he has a lot of
3 followers, and so then it would organically take off from
4 there.

5 Q Okay.

6 So the bot sort of kick-starts the account and it
7 goes from there.

8 A Yeah.

9 Q Why is it important to have followers?

10 A Because there's that human inclination that when you see
11 somebody as being followed by a lot of people, that they might
12 have something interesting to say, so it's a -- it's basically
13 taking advantage of that -- of that human trait.

14 Q And then your popularity?

15 A Yes.

16 Q What happens if you start a new account; can you transfer
17 your followers from the new account to the old one or you have
18 to start all over?

19 A You have to start all over.

20 Q Did you have to do that from time to time?

21 A All the time, yeah.

22 Q Why?

23 A Because I kept on being banned from Twitter.

24 Q And why were you banned from Twitter?

25 A Because of violations of terms of service.

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1 Q When you would set up your accounts, did you set them up
2 anonymously?

3 A I did.

4 Q How do you go about doing that?

5 A Using virtual private networks or proxy IP address
6 services.

7 Q What's a virtual private network?

8 A It's, basically, somebody who sets up servers across the
9 world in different locations and then you can tie into that
10 service so you appear as if you are at that location and then
11 they feed the internet through that.

12 Q So it would mask your true location from Twitter?

13 A That's right.

14 Q What other information did you need to provide to Twitter
15 to set up a new account?

16 A Yes, you need an email address or a phone number or both.

17 Q So would you just set up anonymous email addresses --

18 A Oh, yeah, through Google, Gmail, you set up a account and
19 then you set up a Google Voice account and then if you need to
20 change a phone number on that, you pay ten bucks and you get a
21 new phone Number.

22 Q In addition to tweeting, did you use Twitter to
23 communicate with others directly?

24 A I did.

25 Q What's a direct message?

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1 A A direct message is a one-on-one message or group
2 message, kind of like you would have in your iPhone, texting
3 back and forth in the iMessenger.

4 Q Okay.

5 And so the group message is like a group chat.

6 A Yeah, that's kind of like if you have a group chat on
7 iMessenger.

8 Q How does a person get into a direct message group?

9 A You have to be invited by somebody who is part of the
10 group.

11 Q Okay.

12 And is it like an invitation or do you just add
13 somebody and they're automatically in the group.

14 A You just add somebody.

15 Q Do you recall there was an election for president in 2016
16 ?

17 A Yes.

18 Q Did you tweet about that?

19 A I did.

20 Q So you said a moment ago that you were tweeting hundreds
21 of times a day and thousands of times a week.

22 A That's right.

23 Q How much of that was about the election?

24 A About 90 percent, yeah.

25 Q What was the overriding goal or purpose of your Twitter

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1 activity with respect to the election?

2 A To destroy the reputation of Hillary Clinton.

3 Q You wanted her to lose?

4 A Oh, yeah.

5 Q Did you use Twitter to encourage people to vote for
6 Donald Trump?

7 A Not really. It was more for the -- for the disparagement
8 of Hillary Clinton.

9 Q Did you believe that your activity on Twitter could
10 influence the outcome of the election?

11 A That was the hope, yes.

12 Q What is a meme?

13 A It's basically something that -- kind of like a -- I
14 don't know, a -- something popular in society, an idea that is
15 maybe broadly accepted by society, maybe a philosophical idea
16 that's wrapped up into kind of an image, maybe with some humor
17 attached to it, used as -- the humor is kind of used as a
18 vehicle to infect that message out into the world.

19 Q So the humorous aspect, if there is one in a meme, helps
20 deliver the information to -- to whoever sees it?

21 A Yes. People when they're laughing, they're very easily
22 manipulated.

23 Q What's a hashtag?

24 A A hashtag is a -- where, if you have a tweet that you
25 want to send out there in the world and you have, you know, a

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1 specific topic of that tweet, and there's a specific keyword
2 in that tweet that you want to be, you know, seen as -- or
3 that you think is the most relevant word, you put a little
4 pound sign in front of that word, and then you tweet that, and
5 that pound sign is then -- well, that pound sign letter or
6 word combination is then sent back to the Twitter servers and
7 they register that as a hashtag.

8 Q Is that something that's searchable by people on Twitter?

9 A Yeah, you can search it, click it, all kind of stuff.

10 Q What does it mean, as far as you understand, to push a
11 hashtag?

12 A Yes, so that's when you have an agenda of some sort, and
13 you see that there's a hashtag that's already out there or you
14 develop your own hashtag, and what you do is you basically
15 have the group of people that you're with make new tweets with
16 those hashtags so that you have thousands of tweets that are
17 attached to at that hashtag.

18 Q And why would you do that?

19 A To register ourselves on trending lists.

20 Q What's a trending list?

21 A It's a list on Twitter. Back then it was like, on the
22 right-hand side of the home page. I think there was an
23 explore feature on there as well at one point, and it would
24 show, you know, global trends. There would be USA trends,
25 sometimes they had local trends, but yeah, those would be

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1 keywords from hashtags mostly back then, yeah.

2 Q And that sort of measures the popularity of a particular
3 hashtag?

4 A It does, yeah.

5 Q So if a bunch of people are pushing a particular hashtag,
6 the hope is it gets on the list?

7 A That's right.

8 Q And why would you want it to be on a trending list?

9 A Because I wanted our message to move from Twitter into
10 regular society and part of that would be -- well it's based
11 on the idea that, you know, back then maybe -- I don't
12 know, 10 to 30 percent of the US population was on Twitter,
13 but I wanted everybody to see it, so I had figured out that
14 back then, news agencies, other journalists would look at that
15 trending list and then develop stories based on it.

16 Q What does it mean to hijack a hashtag?

17 A So I guess I can give you an example, is the easiest way.

18 It's like if you have a hashtag -- back then like a
19 Hillary Clinton hashtag called "I'm with her," then what that
20 would be is I would say, okay, let's take "I'm with her"
21 hashtag, because that's what Hillary Clinton voters are going
22 to be looking at, because that's their hashtag, and then I
23 would tweet out thousands of -- of tweets of -- well, for
24 example, old videos of Hillary Clinton or Bill Clinton talking
25 about, you know, immigration policy for back in the '90s where

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1 they said: You know, we should shut down borders, kick out
2 people from the USA.

3 Anything that was disparaging of Hillary Clinton
4 would be injected into that -- into those tweets with that
5 hashtag, so that would overflow to her voters and they'd see
6 it and be shocked by it.

7 Q Is it safe to say that most of your followers were Trump
8 supporters?

9 A Oh, yeah.

10 Q And so by hijacking, in the example you just gave a
11 Hillary Clinton hashtag, "I am with her," you're getting your
12 message out of your silo and in front of other people who
13 might not ordinarily see it if you just posted the tweet?

14 A Yeah, I wanted to infect everything.

15 Q Was there a certain time of day that you believed
16 tweeting would have a maximum impact?

17 A Yeah, so I had figured out that early morning eastern
18 time that -- well, it first started out with New York Times.
19 I would see that they would -- they would publish stories in
20 the morning, so the people could catch that when they woke up.
21 And some of the stories were absolutely ridiculous -- sorry.
22 Some of the stories were absolutely ridiculous that they would
23 post that, you know, had really no relevance to what was going
24 on in the world, but they would still end up on trending
25 hashtags, right? And so, I thought about that and thought,

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1 you know, is there a way that I could do the same thing.

2 And so what I would do is before the New York Times
3 would publish their -- their information, I would spend the
4 very early morning or evening seeding information into random
5 hashtags, or a hashtag we created, so that by the time the
6 morning came around, we had already had thousands of tweets in
7 that tag that people would see because there wasn't much
8 activity on Twitter, so you could easily create a hashtag that
9 would end up on the trending list by the time morning came
10 around.

11 THE COURT: Just bear in mind not to speak too
12 quickly, okay?

13 THE WITNESS: Sorry.

14 THE COURT: That's all right. It's hard for the
15 court reporter.

16 THE WITNESS: I'm a fast talker.

17 THE COURT: Try not to be.

18 THE WITNESS: Yeah.

19 MR. GULLOTTA: Thank you, Your Honor.

20 BY MR. GULLOTTA:

21 Q Were you part of direct message groups during this
22 lead-up to the 2016 election?

23 A Yes.

24 Q What were the names of some of those groups?

25 A One of them was War Room. I mean, there tons of them. I

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1 mean, probably thousands over the years, but one of them back
2 then was War Room. Another one was like a Microchip War Room,
3 something like that. There was Fed Free Hate Chat. There was
4 a lot of them, yeah.

5 Q Was War Room one of the more popular groups that you
6 were in?

7 A I guess popular amongst that type of crowd, but that room
8 was for strategy purposes, so it wasn't -- it wasn't meant to
9 be open-ended for everybody. It was meant for people in my
10 circle back then that were kind of mid-level influencers at
11 the time.

12 Q And what kind of -- you referred to a strategy room.

13 What kind of strategy.

14 A Political messaging: Memes, political messaging, tweets,
15 ideas. Anything that dealt with destroying Hillary Clinton.

16 Q What is a retweet group?

17 A A retweet group is where you basically invite just random
18 people in there that are Trump supporters, and then you would
19 drop a tweet into that group, and then they would drop their
20 tweets into that group, and then you retreat them. It's kind
21 of like Add Me Fast, but on Twitter.

22 Q Okay.

23 Was War Room a retweet group.

24 A No.

25 Q War Room is more about strategy; those other groups are

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1 about just pushing things out.

2 A There was actually a rule, I'm pretty sure, in War Room
3 that we explicitly do not do retweets of stuff that's put in
4 there.

5 Q Do you know what 4Chan is?

6 A I do.

7 Q What is 4Chan?

8 A It's a place for internet intellectuals to gather
9 together to talk about different topics.

10 Q Do you know what /pol/ is?

11 A I do.

12 Q What is that?

13 A That's the political board in the 4Chan.

14 THE COURT: The political?

15 THE WITNESS: The political board, yeah.

16 BY MR. GULLOTTA:

17 Q Did you ever visit that political board?

18 A I did.

19 Q Did you get -- is it a place where you could find memes
20 and other election-related content?

21 A Yes.

22 Q Would you take content from 4Chan and share it on
23 Twitter?

24 A Yes.

25 Q Do you know what Reddit is?

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1 A I do.

2 Q What is Reddit?

3 A It's basically like a -- it's kind of like social media,
4 but with closed-off little groups of social media. So they
5 have very specific topics called sub-Reddits under which you
6 would post --

7 THE COURT: Sub-Reddits?

8 THE WITNESS: Sub-Reddits, yeah.

9 A So the sub-Reddits are like little, miniature social
10 media applications that are based on a specific topic.

11 Q As with 4Chan, would you find memes or other
12 election-related content on a sub -Reddit?

13 A Yes.

14 Q So you referred to the War Room as sort of a strategy
15 room where your ideas were being shared; is that fair?

16 A Yes.

17 Q If you saw an idea that was important to you that you
18 liked in War Room , would you search other places like 4Chan
19 to maybe find content that was like the idea shared in
20 War Room?

21 A Yeah, sure, yeah. If you got an idea there like -- I
22 mean, just like this -- this case with the Hillary Clinton
23 meme. Yeah, you would want to go out there and see what other
24 content's out there.

25 Q During the lead-up to the election, were there certain

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1 topics that you tried to make viral by pushing as hashtags?

2 A Yeah. Yeah, of course.

3 Q For example, do you know who John Podesta is?

4 A Yes.

5 Q Who is John Podesta?

6 A He currently works for the White House, I think, as a
7 senior advisor, something like that. And then back in 2016,
8 he was on Hillary Clinton's campaign as an advisor of sorts.

9 Q Do you recall a particular hashtag going around War Room
10 relating to John Podesta?

11 A Yeah.

12 Q What was that?

13 A The Podesta emails hashtag.

14 Q Is that the hashtag that was being shared in War Room so
15 that it would be pushed online?

16 A Oh, yeah.

17 Q Did you do that?

18 A Yes.

19 Q Do you know how many times you tweeted about Podesta's
20 emails?

21 A The majority of my tweets in October of 2016 were that;
22 and so, thousands of times.

23 Q What was it about Podesta's emails that you were sharing?

24 A That's a good question.

25 So Podesta 's emails didn't, in my opinion, have

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1 anything in particularly weird or strange about them, but my
2 talent is to make things weird and strange so that there is a
3 controversy. So I would take those emails and spin off other
4 stories about the emails for the sole purpose of disparaging
5 Hillary Clinton.

6 Tying John Podesta to those emails, coming up with
7 stories that had nothing to do with the emails but, you know,
8 maybe had something to do with conspiracies of the day, and
9 then his reputation would bleed over to Hillary Clinton, and
10 then, because he was working for a campaign, Hillary Clinton
11 would be disparaged.

12 Q So you're essentially creating the appearance of some
13 controversy or conspiracy associated with his emails and
14 sharing that far and wide.

15 A That's right.

16 Q Did you believe that what you were tweeting was true?

17 A No, and I didn't care.

18 Q Did you fact-check any of it?

19 A No.

20 Q And so what was the ultimate purpose of that? What was
21 your goal?

22 A To cause as much chaos as possible so that that would
23 bleed over to Hillary Clinton and diminish her chance of
24 winning.

25 Q Are you familiar with something called Draft Our

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1 Daughters?

2 A I am.

3 Q What's that?

4 A That's a meme that was fashioned after the print
5 advertisement style of Hillary Clinton's campaign; basically,
6 her online campaign ads style. And that the idea was that
7 Hillary Clinton, as all politicians do, came up with, you
8 know, a black and white ideology of, you know, women's
9 equality. We're going to have gender equality, and so it's
10 very simple to take somebody who is an ideologue in black and
11 white and muddy the waters with scenarios where that black and
12 white universe isn't real or ends up with something very bad.

13 So the idea was, okay, we have this black and white
14 universe where genders are equal 100 percent, and that means
15 that if you vote for Hillary Clinton, your daughters are going
16 to be drafted and sent to war.

17 Q What did you hope -- and this is something that you
18 hashtagged and tweeted out?

19 A Oh, yeah.

20 Q Was this discussed in War Room as well, to your
21 recollection?

22 A I think so.

23 Q What did you hope to accomplish by doing that?

24 A Same thing as before, disparage Hillary Clinton. Drive
25 down the vote for, you know, people that wanted to support her

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1 through fear tactic.

2 Q If you recall, was the Draft Our Daughters campaign, in
3 your opinion, successful?

4 A I think it was a successful -- in fact, I don't know if
5 it was because of this, but there was legislation, I think, in
6 2021 where Congress suggested that we should draft woman.

7 THE COURT: That we should?

8 THE WITNESS: Draft woman.

9 THE COURT: Okay.

10 A So -- I -- that's just what I've read. I don't know when
11 I read that. It was a while ago, but anyways, I think it was
12 successful.

13 BY MR. GULLOTTA:

14 Q Do you recall a hashtag about the Presidential debates?

15 A Yeah. I think so.

16 Q Is that something that you tweeted about?

17 A Yes.

18 Q Is it something you tweeted about a lot?

19 A All the time.

20 Q Do you recall approximately how many times?

21 A Thousands of times there, too.

22 Q How would you describe your tweets about the debates?
23 What were they about?

24 A The tweets about the debates, I didn't actually tweet
25 about the debates because I didn't care about the content.

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1 The way it would work is, before the debates
2 happened, there would be hashtags that were attached to that
3 debate, and I would fill those hashtags up with as much
4 disparaging information as possible about Hillary Clinton so
5 that that would be then spread to the world as everybody is
6 waiting for the Presidential debates to take place, so --

7 Q Is that because the hashtag was popular at the time, so
8 you could sort of hashtag --

9 A Hijack the hashtag to spread your message and then people
10 are subjected to that.

11 Q And what were the other reason that you were using that
12 hashtag?

13 A Yeah, so the other reason was after the debate, they
14 would have these, you know, little Twitter polls and polls on
15 different media organization websites, Fox News polls, and I
16 would gather up all those URLs for those polls and then send
17 those to the DM groups or tweet out those polls for the
18 purpose of, obviously, getting Trump supporters to vote that
19 Trump won the debate and that -- I mean, do you want a purpose
20 on that?

21 Q Sure, go ahead.

22 A Yeah, I mean, the purpose of that would be like -- well,
23 it's the same purpose as always, but this one is -- it
24 would -- it gave the appearance that there was a hidden army
25 that couldn't be quantified by other polling methods and it

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1 basically created a sense of fear across the world that
2 there's this hidden group of people that you don't know who
3 they are because we can't tease them out from polling, that
4 are going to elect Trump for president, and that would
5 hopefully demotivate the other side -- the Hillary Clinton
6 side.

7 Q So traditional polling was showing Clinton in the lead.

8 A That's right.

9 Q And you thought by hijacking this hashtag and sort of
10 pumping these polls, you could surprise the world and show
11 them that there were a lot of Trump supporters that the
12 traditional polls weren't catching.

13 A Correct.

14 Q Do you recall a story about the DNC favoring Hillary
15 Clinton over Bernie Sanders?

16 A Yes.

17 Q Is that something that you tweeted about?

18 A Yes.

19 Q What was the purpose of those tweets?

20 A Same thing. It didn't matter what the story was, didn't
21 care, but there was the ability to create controversy and
22 drive a wedge, and we 'd do it. And that was a very easy
23 wedge to be -- to create there. It was, you know, Hillary
24 Clinton's defrauding voters, so don't vote for her.

25 Q Do you remember a story about Mark Cuban leading up to

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1 the election?

2 A I do.

3 Q What was that about?

4 A There was a picture of Mark Cuban with what looked like
5 maybe an under- aged girl, and Mark Cuban had said something
6 negative about Trump at one point, and so he ended up in the
7 target, what we were doing. So, created a story that there
8 was, you know, something weird about this underage
9 relationship, and that would be for the sole purpose of
10 anybody who disparaged Trump or attacked Trump. It was a
11 counterattack to take him down.

12 Q Was that story about Mr. Cuban true?

13 A Oh, I have no idea, nor did I care.

14 Q Do you recall how many members there were in the
15 War Room?

16 A I think there was fifty or so.

17 Q Who were some of the main players in the War Room?

18 A We had like, Neil Turner. There was, Jeez, a girl named
19 Becky. There was a girl named Cat, I think. I was a
20 important person in there. We had a lot of people. Ricky
21 Vaughn was there. Yeah. Jared Wine was there.

22 Q Do you remember HalleyBorderCol as well?

23 A Oh, yeah, HalleyBorderCol was there; nia4_Trump was
24 there.

25 THE COURT: Nia, N-I-A?

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1 THE WITNESS: Yeah, N-I-A, 4_Trump.

2 BY MR. GULLOTTA:

3 Q Did you follow other group members on Twitter as well as,
4 you know, being part of the same group?

5 A Yes.

6 Q And so, could you see when group members were outside of
7 the group, but tweeting online?

8 A Yeah.

9 Q Did it show up in your timeline or your feed?

10 A Yep.

11 Q Were there group members who were participants in
12 War Room, but who didn't speak very much?

13 A Yeah. There was a lot of people like that.

14 Q And did you ever see maybe some of the quieter members
15 who were tweeting ideas that had been shared in the War Room?

16 A Oh, yeah, yes, all the time.

17 Q And so you knew Ricky Vaughn from that group?

18 A Yes.

19 Q Did you ever meet Ricky Vaughn in real life?

20 A No.

21 Q Do you know his true name?

22 A Well, now I do, but back then, no.

23 Q How would you describe Ricky Vaughn's participation in,
24 say, War Room?

25 A So Ricky Vaughn was very well respected back then and he

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1 still is. I would say that he's a leader of sorts. People
2 like that he has a message and back then, in that room, he
3 would come in every once in a while and have a different
4 message; some idea, some purpose for us to tweet about.
5 That's what I remember.

6 Q What were the -- what were either some examples, or how
7 would you describe his message for ideas that he shared in
8 War Room?

9 A Yeah, so he had good ideas for strategies of creating
10 memes, different political messaging. He came with something
11 that was kind of a defined purpose that dealt with, you know,
12 the client of society, that the West is struggling, we've lost
13 our moral purpose, our traditional values and that resonated
14 well with people, and that was an easy message to spit out
15 into different memes and strategies.

16 Q And did that resonate well with the folks in War Room?

17 A Yes.

18 Q How would you describe his reach on Twitter?

19 A He had a pretty big reach, yeah. I mean, it was all
20 Trump supporters, a lot of the youth from the Gamergate stuff
21 from before the election.

22 THE COURT: The what?

23 THE WITNESS: Gamergate.

24 BY MR. GULLOTTA:

25 Q And did you think he was -- I think you already said

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1 this, but did you think he was influential?

2 A Yes.

3 Q And why?

4 A There was that MIT study thing that came out that said
5 that MIT is a respected institution that showed that Ricky
6 Vaughn had more reach than some of these agencies.

7 Q Was that talked about in War Room?

8 A I think so.

9 Q Was he a funny guy?

10 A Not -- not necessarily, no.

11 Q Leading up to the election, do you recall seeing a fake
12 campaign ad that told people they could text their vote?

13 A Yeah.

14 Q Do you recall it being shared in the War Room?

15 A Yes.

16 MR. GULLOTTA: Can we show Microchip Government's
17 Exhibit 400-31, please.

18 (Exhibit published.)

19 MR. GULLOTTA: Okay. If we could zoom in to the top
20 image.

21 BY MR. GULLOTTA:

22 Q Do you recall seeing this in War Room?

23 A Yes.

24 Q And you don't have to read it, but can you describe what
25 this is?

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1 A Yeah. This is saying that -- yeah, if you post a hashtag
2 on November 8th, that that would somehow register your vote.

3 Q I think you said before you had seen legitimate campaign
4 advertising from the Clinton campaign.

5 And did you think this resembled that.

6 A Yeah, it looks like a Hillary Clinton ad.

7 MR. GULLOTTA: If we can go back to the full
8 exhibit.

9 BY MR. GULLOTTA:

10 Q Can you see who shared this in the group?

11 A It looks like HalleyBorderCol.

12 Q Is that consistent with your memory?

13 A Yeah.

14 Q And same thing with the bottom, do you recall that second
15 image?

16 A I do, yes.

17 Q And on what date did HalleyBorderCol share this in the
18 War Room?

19 A It looks like towards the end of October, so close to the
20 election.

21 Q And when we started today, pretty soon after we got
22 started, we looked at your tweets about hashtagging to vote;
23 correct?

24 A That's right.

25 Q Is this what gave you the idea to post your tweet saying

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1 that you could hashtag your vote?

2 A Yes.

3 Q You pleaded guilty to a conspiracy.

4 Did you have an agreement with others to post tweets
5 that would tell people they could vote in an invalid way.

6 A Yes, so I mean the purpose of War Room was to craft memes
7 and tweets and strategies and so, in this case, yes, it's the
8 same type of thing. It's the exact same thing.

9 Q When you saw that, it gave you the idea and you agreed,
10 essentially --

11 A Oh, yeah.

12 Q -- to do the same thing?

13 Was this an expressly stated agreement.

14 A No. It was kind of like a silent agreement. I mean, the
15 purpose of -- that room contained only people that were
16 considered influential within our circle that. It wasn't
17 really random people that we just add.

18 Q So when you saw that, you said you got the idea to post
19 your tweet.

20 Did you think others would do the same thing.

21 A Oh, I would expect that they did, yeah.

22 Q After posting yours, did you share it with the War Room
23 group?

24 A I think I did, yes.

25 MR. GULLOTTA: And can we look at Exhibit 400-32,

MICROCHIP - DIRECT - MR. GULLOTTA

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1 please?

2 (Exhibit published.)

3 Q Okay.

4 This is sort of a text version of it, but do you
5 recognize that tweet at the top as being yours.

6 A I do, yes.

7 Q And have you reviewed this document in preparation for
8 your testimony?

9 A Oh, yeah, uh-huh.

10 Q So there's a conversation in the group after you share
11 this tweet with them; correct?

12 A That's right.

13 Q And what's the conversation, in summary? You don't have
14 to read it, but --

15 A Yeah, somebody had mentioned that we should make it look
16 more believable, and then somebody mentioned an idea that we
17 should make it viral by, you know, giving the impression that
18 only Hillary Clinton voters can do this, but Trump people
19 can't and why would that be the case, and we should create a
20 controversy around that so that more people would see this
21 tweet and think: Oh, my goodness, Hillary Clinton voters are
22 so luckily that they get to vote by hashtag. And what about
23 the Trump voters, so it would spread.

24 Q So if it stirred up controversy, more people would see
25 it?

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1 A Oh, yeah.

2 Q Is that because you were hoping some people would
3 actually believe it?

4 A Oh, yeah.

5 MR. GULLOTTA: If we look to the next page, 33, and
6 if you could zoom in on the top text as well as the image - -
7 the full image, sorry.

8 Thank you.

9 (Exhibit published.)

10 BY MR. GULLOTTA:

11 Q Do you remember when you saw Lauren Nann's comments on
12 your tweet?

13 A Yes.

14 Q And can you read what's at the top?

15 A Yes. It says: And here's what I worried about, Greg,
16 people on Trump side thinking this is legit and they stay
17 home. I'm plotting we'll have something soon.

18 Q So what was your concern here?

19 A My concern was that the -- well, with what Lauren Nann
20 says right there, it looks like he wanted Trump supporters to
21 also have the ability to vote by hashtag.

22 (Continued on the following page.)

23

24

25

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1 A (Continued) So what I'm saying here is, I don't want
2 Trump voters to think that is a legitimate way to vote,
3 because it's not. Because if they did try to vote that way,
4 it would destroy Trump's chance of wining.

5 Q To be clear, were you still hopeful that Clinton voters
6 would see it and fall for it?

7 A Oh, yeah.

8 Q After your tweet, did you know or did you see that Ricky
9 Vaughn posted a similar sort of fake campaign ad?

10 A Yes.

11 Q Did you see it?

12 A Yes.

13 Q Did you believe that he posted it in response to seeing
14 the conversation in the War Room?

15 A I'm sure he did, yeah.

16 Q What happened to him after he posted that fake campaign
17 ad?

18 A He was banned.

19 Q Do you know if the media picked up his tweet?

20 A Yeah, basically every media organization out there, CNN,
21 Washington Post, et cetera.

22 Q Did you post after knowing that Ricky had been banned and
23 the media covered what he had done, did you again post another
24 tweet telling people they could hashtag their vote?

25 A Yes.

MICROCHIP - CROSS - MR. FRISCH

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1 Q Could we see Exhibit 410-22? Do you recognize this?

2 A I do.

3 Q After you tweeted this, you shared it with what looks the
4 Micro group and the War Room group?

5 A That's right.

6 Q If we could look at the comments below this. Do you
7 remember those comments?

8 A These comments? No, I've not seen these before.

9 Q Seeing them, it looks like somebody was hoping that some
10 people might fall for this?

11 A Oh, yeah, I see what you're saying. Yeah. It says
12 there: I hope some stoners fall for it, especially somewhere
13 like Colorado. I guess MrCharlieCoker didn't like Coloradians
14 for some reason.

15 Q That was your hope, you would hope people would fall for
16 it?

17 A Yes.

18 MR. GULLOTTA: Can I have a minute?

19 THE COURT: Sure.

20 MR. GULLOTTA: No further questions.

21 THE COURT: Cross-examination?

22 MR. FRISCH: Thank you, Judge.

23 CROSS-EXAMINATION

24 BY MR. FRISCH:

25 Q Good afternoon, sir.

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1 A Good afternoon.

2 Q My name is Andy Frisch. I'm here with Mr. Mackey. You
3 and I have never met, correct?

4 A Correct.

5 Q You and I have never spoken before, correct?

6 A Correct.

7 Q Over the past few years, is it fair to say you have
8 spoken to agents from the Government about 20 times, give or
9 take?

10 A Yes.

11 Q Is it fair to say, that of those 20 or so times sometimes
12 they were telephone conversations; is that fair?

13 A Yes.

14 Q Some were in person?

15 A Yes.

16 Q Certainly in preparation for testifying this afternoon,
17 you met with Mr. Gullotta in person; is that fair to say?

18 A Correct.

19 Q The first time you met with the Government, is it fair to
20 say -- I'm going to talk to you about some dates, if you know
21 the precise date that's great, but approximations are fine.
22 The first time you spoke to the Government was on or about
23 December 17, 2018. Does that sound about right?

24 A It does.

25 Q That was at your residence, correct?

MICROCHIP - CROSS - MR. FRISCH

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1 A Correct.

2 Q When the agents came to your house, or your apartment --
3 I'll refer to it as your home -- they knocked on your door,
4 correct?

5 A Correct.

6 Q And you asked them if they were sure it was you who they
7 wanted to talk to you. Do you remember that?

8 A Yes.

9 Q The agents questioned you that day about whether you had
10 made a particular threat online in July 2018. Am I right?

11 A Yes.

12 Q You told the agents that you did not specifically
13 recognize that threat, but you agreed it sounded like
14 something you would have said; is that right?

15 A Yeah.

16 Q You told them that your posts were supposed to be jokes,
17 not threats. Do you recall saying that?

18 A Yes.

19 Q Do you recall telling the agents that if they thought you
20 intended to threaten anyone, they were wrong. Do you recall
21 saying that?

22 A Yeah, in that type of post that I made, yes.

23 Q There were -- how many FBI agents came to your home that
24 day? Do you remember?

25 A I think there were two.

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1 Q Did you tell them that you did not intend, you had not
2 intended your posts to be threats?

3 A Yes.

4 Q Did you tell them that you posted controversial things
5 sometimes in order to get reactions out of people. Did you
6 tell them that?

7 A Yes.

8 Q Now, how long was that conversation approximately, if you
9 remember?

10 A I think it was like 15 minutes long.

11 Q You spoke to them without first reaching out to a lawyer;
12 is that correct.

13 A That's right.

14 Q It was just the agents and you, correct?

15 A That's right.

16 Q That was approximately December 2018, correct?

17 A Uh-huh.

18 THE COURT: You have to say yes or no so the court
19 reporter can take it down.

20 A Yes.

21 Q Now, the next time you spoke to agents of the FBI, again
22 that was at your residence; is that right?

23 A Yes. There was a time that I spoke to them in between
24 there, though.

25 Q Do you remember them coming to your house in about

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1 December 2020?

2 A Yes.

3 Q The time that you spoke to the agents between then, was
4 that at your house?

5 A No, it was by e-mail.

6 Q You e-mailed the --

7 A Uh-huh.

8 Q What specific agents? Do you remember the agent that you
9 e-mailed?

10 A I don't remember his name.

11 Q The next in person meeting you had with the FBI was when
12 they came to your house in about December 2020; is that right?

13 A Correct.

14 Q So in terms of their coming to your house and reaching
15 out to you, that was about a two-year gap; is that correct?

16 A That's correct.

17 Q When they came to your house in December 2020, again you
18 spoke to them, correct?

19 A Uh-huh.

20 THE COURT: You have to say --

21 A Yes. Sorry, Judge.

22 Q Again you spoke to them without first reaching out to a
23 lawyer, correct?

24 A Correct.

25 Q By the way, over the course of your contact with the FBI,

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1 since 2018, can you approximate how many different FBI agents
2 you've spoken with?

3 A There was the two in 2018. One of those was carried over
4 to 2020. So there was, that makes three different FBI agents
5 there. Then there was an additional one. So four FBI agents.

6 Q Do you remember that on -- is one of the four an agent
7 named Maegan Rees or Maegan Rees O'Rourke?

8 A Yes.

9 Q If you remember, was she one of the agents who came to
10 your home on or about December 15, 2020?

11 A She was, yes.

12 Q Did you understand that she was from the FBI office here
13 in New York City?

14 A Yes. I think she mentioned that she had flown in for
15 this purpose.

16 Q In other words, she flew in to you just for the purpose
17 of coming to your home and speaking with you?

18 A That's what I understood, yes.

19 Q Your understanding was she had flown in from New York?

20 A Correct.

21 Q I think you testified a moment ago, and if you didn't
22 you'll correct me, that you knew someone online known as
23 BakedAlaska; is that correct?

24 A Correct.

25 Q He is someone you knew from online chats?

MICROCHIP - CROSS - MR. FRISCH

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1 A Yes.

2 Q Do you know that he lives in Alaska?

3 A I don't think that he lived in Alaska. I thought maybe
4 he lived in Arizona or somewhere else. The rumor was that he
5 traveled a lot of different places, had houses in different
6 areas.

7 Q At some point did you tell the FBI that you had told
8 BakedAlaska that the FBI had visited you?

9 A Told BakedAlaska that the FBI visited me, yeah, I might
10 have said that, yeah.

11 Q The next time you spoke to the FBI was in early
12 February 2021. Am I right?

13 A Yes.

14 Q This time the agents did not come to your home, correct,
15 you reached out to them, correct?

16 A On what date again?

17 Q On or about February 4, 2021.

18 A Did I reach out to the FBI. Yeah, maybe so. I think I
19 might have called Meg, yeah.

20 Q You referred to her as Meg?

21 A Maegan, yeah.

22 Q How did you refer to her when you spoke to Agent Rees?

23 A I can't remember back then.

24 Q Might you have referred to her as Meg in addition to
25 Maegan?

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1 A Could have been, yeah.

2 MR. FRISCH: One moment, your Honor.

3 BY MR. FRISCH:

4 Q Now in February 2021 when you reached out, I think you
5 said that you -- don't remember what you said -- you reached
6 out but did you call or e-mail or, I'm talking about that
7 first week February 2021?

8 A I think I called her. I'm not sure.

9 Q Do you remember that you also sent her a text?

10 A I can't remember that.

11 Q Well, let me see if I can refresh your recollection. I
12 want to show you on the overhead projector Mackey Exhibit H,
13 as in Henry. If you can take a look at that, two pages. I'll
14 give you a minute to look at both pages. You can see the
15 whole thing on the screen, right?

16 A Yes.

17 Q When you're through with the first page, tell me and I'll
18 turn the page.

19 A Go for it. Yeah, there you go.

20 Q You sent this text?

21 A Yes.

22 Q This is on Thursday, February 4, 2021?

23 A Yes.

24 MR. FRISCH: I offer Exhibit H.

25 THE COURT: Any objection?

MICROCHIP - CROSS - MR. FRISCH

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1 THE COURT: Can I see the parties at the side with
2 the court reporter.

3 (Continued on the next page.)
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SIDEBAR CONFERENCE

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1 (Sidebar conference.)

2 THE COURT: From my exalted vantage in the
3 courtroom, there is a guy in the audience who clearly seems to
4 be trying to get the witness's attention.

5 MR. GULLOTTA: Is he in the front row?

6 THE COURT: He moved to get like --

7 MR. GULLOTTA: There is a reporter here who has a
8 pretty clear, almost vendetta, against this witness. I don't
9 know if it's the same.

10 THE COURT: The same reporter that --

11 MR. FRISCH: If I can give the Court some context
12 and bring you up to speed. This is new to me, this is a new
13 thing to me. There is a reporter named Luke O'Brien who I'm
14 learning about a little bit. To use the vernacular, he's a
15 character. He's apparently affiliated in someway with the
16 Southern Poverty Law Center.

17 THE COURT: At this point, I'll just say, he's a
18 banana peel away from getting kicked out of the courtroom. I
19 don't want to say anything to him in front of the witness.
20 But I mean, it's ridiculous.

21 MR. GULLOTTA: There have been a couple of occasions
22 I and others have seen him laughing and I see it draws the
23 attention of the jurors.

24 THE COURT: I think I'm going to excuse the jurors
25 and the witness and take care of this.

SIDEBAR CONFERENCE

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1 (End of sidebar conference.)

2 (Continued on the next page.)

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1 (In open court.)

2 THE COURT: Ladies and gentlemen, I'm going to
3 excuse you for five minutes. We'll resume in just a minute.

4 (Jury exits the courtroom.)

5 THE COURT: Let's take the witness out for a minute
6 too.

7 (Whereupon, the witness steps down.)

8 THE COURT: So this is a public courtroom, and of
9 course people are all welcome to observe the proceedings.
10 What you cannot do, which I've been observing from up here, is
11 try to either get the witness's attention or whatever is going
12 on. It's got to stop. You have to sit up straight. Don't
13 make faces at the witness. I can see you. If it happens
14 again, you're out. Is everybody clear with that? Thank you
15 so much.

16 Anything we have to do before we bring the witness
17 back and bring the jurors in?

18 I don't want to have to interrupt this trial this
19 way. I expect better behavior.

20 Let's get the witness back.

21 It's also distracting to the jurors and I will not
22 tolerate it.

23 (Whereupon, the witness resumes the stand.)

24 THE COURT: Are you going to object to that exhibit?

25 MR. GULLOTTA: I think it's hearsay. It's an

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1 out-of-court statement.

2 THE COURT: He's sitting right here.

3 MR. GULLOTTA: It's fine.

4 MR. FRISCH: Is your Honor going to break at one?

5 THE COURT: Yes.

6 (Jury enters the courtroom.)

7 THE COURTROOM DEPUTY: You may be seated.

8 THE COURT: Sorry about that folks. Also, we are
9 going to break at one because of a couple of other matters to
10 handle. But we'll make the best use of what time we have
11 left.

12 THE COURTROOM DEPUTY: The witness is reminded he's
13 still under oath.

14 THE WITNESS: Okay.

15 MR. FRISCH: Your Honor, I don't remember if it was
16 accepted into evidence or not, but I offer H.

17 THE COURT: Any objection?

18 MR. GULLOTTA: No, your Honor.

19 THE COURT: Okay, so H is in evidence.

20 (Defense Exhibit H, was received in evidence.)

21 BY MR. FRISCH:

22 Q Sir, this is a text, it looks like a text that you sent
23 to Agent Reese, on February 4, 2021, correct?

24 A Correct.

25 Q It says: My lawyer is hard to get ahold of sometimes. I

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1 called him and left a message that you'd be contacting him.
2 But if you can't get ahold of him after a few days, let me
3 know and I'll ring his cell and other partners to get his
4 attention.

5 And then the second page, I think it was copied to
6 be sure all the words came in, on the bottom it says: I think
7 he's on some major cases or something right now.

8 Do you see that?

9 A Uh-huh.

10 Q Agent Reese responded: Will do. Thank you.

11 A week before this text, February 4, 2021, fair to
12 say that something important happened in this case?

13 A I don't recall. What was it?

14 Q Sir, do you recall that on or about January 27, 2021, the
15 person who you knew as Ricky Vaughn was arrested?

16 A Oh, that's right, yes.

17 Q There was press about that, correct?

18 A Correct.

19 Q So as of the date that you wrote this text to Agent Rees
20 you had learned that the person you knew as Ricky Vaughn had
21 been arrested, correct?

22 A Correct.

23 Q So sometime between January 27, or the date of Ricky
24 Vaughn's arrest, and February 4 you got a lawyer; is that
25 right?

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1 A No, I think I got the lawyer before then. It was around
2 the same time I talked to the FBI in December, I didn't have a
3 lawyer. I talked to the FBI about a lawyer; I can't remember
4 what the conversation was. But that I should get a lawyer to
5 then represent me.

6 Q On February 4, 2021 -- bear with me -- you told Agent
7 Rees that you had information that might be helpful to the
8 FBI; is that so?

9 A I don't recall saying that.

10 Q Give me one moment. I'll come back to that after the
11 lunch break -- here it is.

12 I wants to show you what I've marked as
13 identification as Mackey AA. I'll ask you to look at it. And
14 my question is, if it refreshes your recollection, that you
15 had become aware that the person you knew as Ricky Vaughn had
16 recently been arrested, and you believed that you had
17 information that would be useful to the FBI. So I'm going to
18 put it on the screen. Take as much time as you want. Tell me
19 if it refreshes your recollection?

20 THE COURT: Ms. Greene is not here. Can you just
21 show him the document?

22 MR. FRISCH: Yes.

23 A Yes.

24 Q And so again, so the record is clear, does this document
25 refresh your recollection that that's what you said to Agent

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1 Rees?

2 A I said that to Agent Rees, but that didn't have anything
3 to do with Ricky Vaughn.

4 Q That wasn't my question. My only question is: Did you
5 call Agent Rees and tell her that you had information that
6 would be useful to the FBI?

7 A Yes.

8 Q And that was after the person you knew as Ricky Vaughn
9 had been arrested, correct?

10 A No. I talked to the FBI about being useful to them when
11 they came and actually talked to me the first time. I
12 discussed with the FBI in the car at my residence at the time.
13 We actually sat in the car outside of my home, and I talked to
14 them about my use of technology and how it could possibly be
15 useful to whatever they might be working on.

16 Q Sir, my question to you is this: On February 4, 2021,
17 did you reach out to Agent Rees and tell her that you had
18 become aware that the person you knew as Ricky Vaughn had been
19 arrested, and you believed you had information that would be
20 useful to the FBI. Did you say that to Agent Rees? Yes or
21 no?

22 A You're asking if I said to Agent Rees that I knew that
23 Ricky Vaughn had been arrested?

24 Q I'll break it down into two questions. How is that?

25 A Yes.

MICROCHIP - CROSS - MR. FRISCH

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1 Q Did you say to her, first, you were aware that the person
2 you knew as Ricky Vaughn had been arrested. Did you tell her
3 that?

4 A I don't know. Is it in that document? I don't remember
5 seeing that just now.

6 MR. FRISCH: Can I approach again, the old fashioned
7 way?

8 THE COURT: Well, Ms. Greene is here. Just for the
9 witness.

10 Q Let me zoom in for you. I'll break this down into two
11 separate questions, sir, okay.

12 My first question is: When you reached out to Agent
13 Rees on February 4, 2021, did you tell her that you had
14 learned the person you knew as Ricky Vaughn had been arrested
15 recently? Did you say that?

16 A Yes.

17 Q And in addition, did you tell her that you believed you
18 had information that would be useful to the FBI?

19 A Correct.

20 Q When you reached out to Agent Rees on February 4, 2021,
21 were you concerned that you might be arrested? If you can
22 answer it yes or no, or tell me you can't answer it. Yes or
23 no?

24 A I can't answer it yes or no. I have no idea.

25 Q You have no idea whether when you reached out to Agent

MICROCHIP - CROSS - MR. FRISCH

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1 Rees and told her to contact your lawyer, you had no idea
2 whether you were concerned whether you could be arrested?

3 A That's correct. They didn't arrest me when they first
4 came to my home. I don't know why they would fly back and
5 then arrest me.

6 Q Sir, over the course of your time online as Microchip, is
7 it fair to say that you posted a lot of things that were
8 offensive?

9 A Sure, yeah, yes.

10 Q Is it fair to say that you posted a lot of things that
11 were shocking?

12 A Yes.

13 Q Is it fair to say that you posted a lot of things that
14 were in really bad taste?

15 A Yes.

16 Q Things that were over the line, correct?

17 A Over what line?

18 Q Over the line of decency.

19 A That's hard to say, how to define decency.

20 Q Out of respect for the jury, I'm not going to go through
21 things that you posted online along those lines. But you've
22 only pled guilty in this case to conspiracy to violate rights,
23 correct?

24 A Correct.

25 Q You did not plead guilty for posting things online that

MICROCHIP - CROSS - MR. FRISCH

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1 were in bad taste, correct?

2 A Correct.

3 Q In 2021 when you reached out to Agent Rees, did you have
4 a debt, any debt to the Internal Revenue Service?

5 A Yes.

6 Q In 2021 when you reached out to Agent Rees, did you have
7 debt connected to bankruptcy?

8 A Maybe, yeah, could have been.

9 Q At the time you were self-employed as you are now?

10 A 2021, yes.

11 Q As someone who is self-employed, clients have to hire
12 you, correct?

13 A Yes.

14 Q They have to have confidence that you're the right person
15 for the job, correct?

16 A Correct.

17 Q If you were arrested, potential clients would find out
18 about that, correct?

19 A Yes, I'm sure they would.

20 Q If you were arrested, potential clients would know your
21 name true?

22 A They could, sure, yeah.

23 Q If you were arrested you would be arrested not as
24 Mr. Microchip, you'd be arrested under your true name,
25 correct?

MICROCHIP - CROSS - MR. FRISCH

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1 A Yes.

2 Q If that happened, potential clients would find out about
3 the types of things you posted online that you acknowledge
4 were in bad taste, offensive, and shocking, correct?

5 A Correct.

6 THE COURT: Is it a good time?

7 MR. FRISCH: It's a good time.

8 THE COURT: We're going to break for lunch. Let's
9 be back at 2:15 p.m.

10 Please don't talk about the case at all. Do not let
11 anyone approach you or try to discuss the case with you.
12 Don't look anything up on the Internet or wherever a person
13 could look things up.

14 But I will see you at 2:15 have a good lunch.

15 (Jury exits the courtroom.)

16 THE COURT: Everybody can have a seat.

17 Let's take the witness out.

18 (Whereupon, the witness steps down.)

19 THE COURT: I do have a couple of other matters.

20 No pressure, do you have a sense of how long you're
21 going to be?

22 MR. FRISCH: I think it will be at least an hour.

23 THE COURT: It's fine. I'm just trying to plan
24 ahead.

25 We'll meet back here at 2:15.

MICROCHIP - CROSS - MR. FRISCH

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1 MR. PAULSEN: Your Honor, can we leave our materials
2 on the table?

3 THE COURT: Yes.

4 (Lunch recess.)
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1 A F T E R N O O N S E S S I O N

2 (In open court; jury not present.)

3 THE COURTROOM DEPUTY: All rise.

4 THE COURT: Hi. Everybody can sit down.

5 So just before we begin, you know, the one thing
6 that I haven't addressed yet was your application to strike
7 that testimony about the silhouette, and I think that's a
8 well-founded objection, so I will, I guess, strike the
9 exhibit, and the testimony just surrounding that portion will
10 come out. So I think that's on page 277, line 8 to 278, line
11 10.

12 And I don't know if you want me to give them
13 instruction about that. Sometimes people don't want that just
14 because it draws attention to it. It's whatever you want.

15 MR. FRISCH: I think the answer is -- let me -- I
16 don't want you to do it now.

17 THE COURT: Oh, no, no.

18 MR. FRISCH: I think the answer is probably yes, but
19 we can --

20 THE COURT: Okay.

21 MR. PAULSEN: Your Honor, I'm not going to quibble
22 with the ruling, of course.

23 THE COURT: Good. All right.

24 MR. PAULSEN: But in terms of the characterization,
25 Judge Garaufis did a ruling about the anonymity statements --

PROCEEDINGS

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1 THE COURT: No, I read it. It's really just as a
2 matter of discretion. It really doesn't have much to do with
3 Judge Garaufis's ruling in this. I just don't think it adds
4 anything to the case. And I don't think it's terribly
5 prejudicial, but I think that it's something that can come
6 out.

7 MR. PAULSEN: It wasn't going to feature in closing
8 either way.

9 THE COURT: Good. That's great.

10 Okay. All right. Let's get the witness and then
11 let's get the jury.

12 (Witness resumes the stand.)

13 THE WITNESS: Do you want me to sit down, Judge?

14 THE COURT: Yes, please.

15 Just when the jury comes in, we'll have you stand
16 up, okay?

17 THE WITNESS: That's fine.

18 THE COURTROOM DEPUTY: All rise.

19 (Jury enters.)

20 THE COURTROOM DEPUTY: You may be seated.

21 THE COURT: All right, ladies and gentlemen, we are
22 ready to resume. I'm sorry it's a little cold in here, but I
23 still say it's better than being hot.

24 THE COURTROOM DEPUTY: The witness is reminded he's
25 still under oath.

MICROCHIP - CROSS - MR. FRISCH

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1 THE COURT: Okay. You can resume.

2 MR. FRISCH: Thank you, Judge.

3 CROSS-EXAMINATION

4 BY MR. FRISCH: (Continuing.)

5 Q After you reached out to Agent Rees in early February, in
6 April 2021, did you send your lawyer to meet with the
7 Government?

8 A Send my lawyer to meet with the Government? No, I don't
9 think he ever was sent anywhere.

10 Q Did your lawyer meet with the Government?

11 A He may have met with them on a call, like a video call.
12 I have no idea.

13 Q Are you aware that your attorney --

14 MR. FRISCH: Withdrawn.

15 BY MR. FRISCH:

16 Q Have you ever heard of a term called "an attorney
17 proffer"? Have you ever heard that term?

18 A I've heard of proffer, but I don't know what an attorney
19 proffer is.

20 Q So are you familiar with the concept of a lawyer going in
21 to meet with the Government and telling the Government what
22 the client would say if the client met with the Government?

23 A I don't have any idea what that is.

24 Q All right.

25 To your knowledge -- and you may have already

MICROCHIP - CROSS - MR. FRISCH

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1 answered this, and if that's your answer, to your knowledge,
2 in April 2021, did a lawyer representing you go meet with the
3 Government on your behalf?

4 A Not that I remember. Every time that I remember that
5 I've met with the Government, it was with my lawyer and my --
6 I don't remember my lawyer ever meeting with them alone.

7 THE COURT: Can I just ask you to pull the
8 microphone a little closer.

9 THE WITNESS: Yeah.

10 THE COURT: Thank you.

11 A Yeah, I don't remember my lawyer meeting with them alone.

12 Q Well, there came a time when you in -- on or about
13 April 22, 2021, that you and your lawyer met with
14 representatives of the Government.

15 Do you recall that?

16 A I'm sure we did, but I don't recall that day.

17 Q Fair enough.

18 About April 2021, does that sound approximately
19 correct?

20 A Sure, yeah.

21 Q And before that meeting happened, was it your
22 understanding that your attorney had spoken to the Government
23 either in person or by telephone?

24 A He may have.

25 Q In other words, arrangements had to be made in advance of

MICROCHIP - CROSS - MR. FRISCH

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1 the meeting; correct?

2 A I think so, sure.

3 Q And your attorney would have been the person to make
4 those arrangements; correct?

5 A I guess so, but I don't know. I don't know how that
6 works, so he might have, but if that's who set it up, great.

7 Q In any event, would you agree that in April 2021 you
8 characterized yourself as a Twitter troll; is that fair?

9 A I don't know. I would have to - -

10 Q I'm sorry. I didn't mean to talk over you.

11 A Sure.

12 Q My question is: As you sit here today, did you consider
13 yourself to be a Twitter troll back in 2015, 2016?

14 A Yeah, I would say I was a Twitter troll.

15 Q As you sit here today, back in that time period, did you
16 like to get a rise out of people?

17 A Sure, yeah.

18 Q And that's one of the reasons you posted things on
19 Twitter; correct?

20 A Correct.

21 Q Was it your belief back then that disinformation
22 increases buzz?

23 A Um, disinformation sometimes does increase buzz, yes.

24 Q Is it fair to say that back in that time period you
25 tweeted constantly sometimes a thousand times a day?

MICROCHIP - CROSS - MR. FRISCH

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1 A I think the average was 3- to 500 a day, so there could
2 have been a day with a thousand, but I think the cutoff was
3 like 500 until you couldn't tweet anymore.

4 Q And I think you --

5 MR. FRISCH: Withdrawn.

6 BY MR. FRISCH:

7 Q You testified on your direct about use of bots; correct?

8 A Correct.

9 Q We will come back to that in a second, but for now, did
10 you use bots to retweet things?

11 A Yeah.

12 Q And did you use bots to retweet things about Hillary
13 Clinton even if they made no sense?

14 A Sure, yeah. Yes.

15 Q Now, back to the meeting in -- the meeting that we just
16 talked about where you and your lawyer met with
17 representatives of the Government, was that on a Webex or a
18 remote video call?

19 A Yeah, I think it was a remote video.

20 Q In other words you stayed where you lived and the
21 Government people were in New York and you spoke to them
22 remotely; correct?

23 A Correct, yeah.

24 Q Okay.

25 Was Agent Rees on the call?

MICROCHIP - CROSS - MR. FRISCH

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1 A I think she probably was.

2 Q By the way, when is the last time you've spoken to
3 Agent Rees?

4 A Jeez I think it was probably last year at this time,
5 something like that, yeah.

6 Q Do you recall at that meeting that the memes suggesting
7 voting by text were discussed?

8 A Maybe they were. I can't remember what happened in the
9 meeting.

10 Q Well, do you recall saying that memes circulated and
11 discussed in these chats were to get people to vote for Trump;
12 do you recall saying that?

13 A Yeah, I -- I may have. Do you have, like, a thing to
14 show, like...

15 Q Do you recall that one of the things you said at the
16 meeting is you could not recall if the intention was to get
17 people to text their vote; do you recall saying that?

18 A I don't recall saying that specifically, but I mean, I
19 could have, yeah.

20 MR. FRISCH: Can we show the gentleman 3500-M-4?

21 THE COURT: Is this something that's in evidence?

22 MR. FRISCH: It's a 3500 .

23 THE COURT: Okay.

24 MR. FRISCH: And this is just for the witness.

25 THE WITNESS: Oh.

MICROCHIP - CROSS - MR. FRISCH

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1 THE COURT: It's not up yet.

2 THE WITNESS: Oh, it's not up yet.

3 THE COURT: Does he need to turn off the ELMO? Is
4 that the problem?

5 THE COURTROOM DEPUTY: You are doing it?

6 MS. PARSHAD: I'm doing it.

7 MR. FRISCH: Is it up? I'm sorry.

8 THE COURT: There it is.

9 MR. FRISCH: If we could turn to page 4 of that
10 document.

11 BY MR. FRISCH:

12 Q So, sir, when I show you a document to see if it
13 refreshes your recollection, you are free to look at anything.
14 I may direct you to a portion of it for convenience sake, but
15 if you want to look at more, you just say so.

16 If you look at the top of page 4 of this document,
17 does it refresh your recollection that what you said to the
18 Government at that time was the memes circulated and discussed
19 in these chats were to get people to vote for Trump. You
20 could not recall if the intention was to get people to text
21 their vote?

22 MR. GULLOTTA: Objection, Your Honor. He's -- he's
23 not asking the defendant -- or, excuse me, the witness to
24 read the document and have it refresh his recollection. He's
25 reading it out loud to him. It's an improper refreshment --

MICROCHIP - CROSS - MR. FRISCH

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1 THE COURT: Well, I think probably the way to do it
2 is, just take -- I think your initial question was, do you
3 recall saying, whatever the question was.

4 Look at the document and see if that refreshes your
5 recollection as to whether -- you said that you couldn't
6 recall whether or not -- what's the question? I don't even
7 know. That you couldn't recall --

8 MR. FRISCH: If the intention was to get people to
9 text their vote.

10 THE COURT: All right.

11 So just take a look at what's on the screen and just
12 let us know, first of all, if it refreshes your recollection
13 as to whether you said that.

14 THE WITNESS: Yeah, that's what it says here, yeah.

15 THE COURT: Does that refresh your recollection that
16 you told that --

17 THE WITNESS: Yes.

18 BY MR. FRISCH:

19 Q Sir, I'm going to ask you a question. Forgive the
20 profanity in advance, but have you ever heard the term "shit
21 posting"?

22 A Yes.

23 Q Do you recall telling the Government at this meeting that
24 the focus was not on one message, it was on pushing out as
25 many -- as much content as possible?

MICROCHIP - CROSS - MR. FRISCH

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1 Do you recall saying that to the Government at that
2 time?

3 A I don't recall that, but it sounds like something --
4 yeah, I do not recall that.

5 Q Fair enough.

6 MR. FRISCH: If we could turn to page -- if we could
7 show the witness page 6 of that document.

8 Q And, again, you can look at anything you need to, but to
9 save some time, if you look at the very middle of the
10 document, maybe the -- right, the part that's being
11 highlighted.

12 A Yeah, so what was the question again?

13 Q Does this refresh your recollection that you told the
14 Government that the focus was not on one message but on
15 pushing out as much content as possible?

16 A Yeah, okay, yeah.

17 Q Do you recall telling the Government at that meeting that
18 the participants in the chats were not as organized as many
19 people believed?

20 A Yes, I remember saying that.

21 Q Do you recall telling the Government that there was no
22 grand plan around stopping people from voting?

23 A Yes. Back then from -- what was this, 2021? That's what
24 I remembered from 2016.

25 Q That's what you told the Government at that time;

MICROCHIP - CROSS - MR. FRISCH

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1 correct?

2 A Yes, yes.

3 Q Do you recall telling the Government that it was not your
4 intent to put specific groups of people in a box and stop that
5 group from voting?

6 A Is that part of this?

7 Q My first question is, do you recall saying it?

8 A Oh. No, I don't.

9 Q Does it refresh your recollection to look at page 6 of
10 that document, and it looks like it's the third paragraph from
11 the bottom.

12 A Yeah, let's look at that. Yeah, okay. I see what you're
13 saying.

14 THE COURT: The question is, do you remember telling
15 them that?

16 THE WITNESS: Yes.

17 THE COURT: Okay.

18 MR. FRISCH: Thank you, sir.

19 Q Now, that meeting was on April 2021 -- and, again, I'm
20 not going to hold you to the date, but is that your general
21 recollection that's when that occurred?

22 A Yes.

23 Q Do you recall that by the time of this meeting --

24 MR. FRISCH: Withdrawn.

25 Q Was it your understanding at that time that the

MICROCHIP - CROSS - MR. FRISCH

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1 Government wanted you to plead guilty to a crime?

2 A I don't know if the Government -- I mean -- I don't
3 recall the Government wanting me to do anything.

4 Q Did you want to plead guilty at that time?

5 A I don't recall.

6 Q Did there come a time in June of 2021 that you signed a
7 document that tolled the statute of limitations?

8 A Like a tolling agreement?

9 Q Yes.

10 A Yeah, I remember doing that.

11 Q Let me show you what is Mackey -- before I show it to
12 you, what was your understanding of what a tolling agreement
13 is?

14 A I guess it's something to extend the statute of
15 limitations or something like that.

16 Q Did you understand that the statute of limitations on
17 this crime is five years -- the crime to which you pled
18 guilty?

19 A Yes.

20 Q And so if you committed the crime in November 2016, the
21 statute would run in about November 2021 -- I'm sorry --
22 that's right, 2021, right?

23 A Yes.

24 Q And you signed this tolling agreement in June of 2021;
25 correct?

MICROCHIP - CROSS - MR. FRISCH

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1 A I signed a few tolling agreements, so I assume yes.

2 Q How many different ones did you sign?

3 A I think maybe two or three.

4 Q And each one of them had the consequence of extending the
5 time -- the statute of limitations -- for the conduct from
6 November 2016; correct?

7 A Correct.

8 Q Let me show you what is marked for identification as
9 Mackey J.

10 THE COURT: Is it Defense J? Just for ease of our
11 record-keeping, Defense J?

12 MR. FRISCH: Correct, yes.

13 Just for the witness, I'm going to ask if he
14 recognizes it. I see it's on the screen. Let me make it a
15 little easier for you to look at.

16 Q Can you read that?

17 A Yep.

18 Q I'm going to show you the second page.

19 A Yeah, I've seen this same document a few times.

20 Q And do you recall if this is at least one of the
21 documents that you signed?

22 A Yes.

23 MR. FRISCH: I offer it.

24 THE COURT: Any objection?

25 MR. GULLOTTA: No objection, Your Honor.

MICROCHIP - CROSS - MR. FRISCH

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1 THE COURT: All right. So that will be defense --
2 sorry, what's the number?

3 MR. FRISCH: J.

4 THE COURT: Defense J.

5 (Defense Exhibit J, was received in evidence.)

6 BY MR. FRISCH:

7 Q If you direct your attention to the first page, paragraph
8 2, and it says: As part of the investigation, EDNY-PIN is
9 considering what action to take, if any, in connection with
10 any potential violations of the United States Code, including
11 but not limited to 18 U.S.C., Section 241, conspiracy against
12 rights, conspiracy against rights.

13 Is that within this agreement?

14 A Yeah. It says it right there, yes.

15 Q And then paragraph 4 says: Your name redacted, through
16 counsel has advised EDNY-PIN that he wishes to cooperate
17 and/or provide information to EDNY-PIN in advance of EDNY-PIN
18 making a final charging decision in connection with the
19 investigation. Has voluntarily decided to present information
20 that you believes may be relevant to EDNY-PIN charging
21 decision.

22 By the way, EDNY stands for the Eastern District of
23 New York; correct?

24 A Yeah.

25 Q And you understand that -- those four letters were used

MICROCHIP - CROSS - MR. FRISCH

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1 in this agreement to indicate the U.S. Attorney's Office here
2 in Brooklyn; correct?

3 A Sure.

4 Q And PIN is an acronym related to a portion of the Justice
5 Department.

6 Do you understand that?

7 A Yeah, public integrity.

8 Q And that's where Mr. Gullotta works; correct?

9 A Correct.

10 Q Now, it wasn't until March 2022 that you advised the
11 Government that you wanted to move forward with the guilty
12 plea; is that right?

13 A That sounds about right, sure, yeah -- yes.

14 Q And it was not until April 2022 that you actually pled
15 guilty; correct?

16 A Correct.

17 Q All right. Now, let me show you what is Defense EE and
18 I'm going to show you the first and last page. If you need to
19 see more, you tell me. This is the first page. The name is
20 redacted. I'm turning to the final page, April 14th, 2022.

21 Do you see that?

22 A Yes.

23 Q Now, your name is redacted from this document, but do you
24 agree this is the document you signed, as best as you can
25 tell?

MICROCHIP - CROSS - MR. FRISCH

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1 A Yes.

2 MR. FRISCH: I offer it.

3 THE COURT: Any objection?

4 MR. GULLOTTA: It's the entire document, right?

5 MR. FRISCH: Entire document.

6 MR. GULLOTTA: No objection.

7 THE COURT: All right. That's in evidence.

8 (Defense Exhibit EE, was received in evidence.)

9 BY MR. FRISCH:

10 Q By the way, during the course of your contact with the
11 Government in this matter, you've had more than one lawyer;
12 correct?

13 A Yeah. I've had two.

14 Q At the time of this agreement, do you remember who your
15 lawyer was -- let me ask you a question.

16 The lawyer who represented you at the time of the
17 cooperation agreement, is that a lawyer whose office is local?

18 A Local to New York?

19 Q New York, New Jersey.

20 THE COURT: Can I see the parties at the side,
21 please, with the court reporter?

22 (Continued on the next page.)

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SIDEBAR CONFERENCE

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1 (Sidebar conference.)

2 THE COURT: I'm just concerned about identifying
3 where he's from, the lawyers from, where he's from.

4 MR. FRISCH: This is the reason -- first of all, it
5 will become an issue on where he's from during the course of
6 this cross, but for now, here's what's curious about this.
7 The lawyer's name is redacted, and I don't think the lawyer is
8 where he's from. I think the lawyer is local. And I don't
9 know why it's redacted.

10 THE COURT: That's a different question, but --

11 MR. PAULSEN: We can tell you. It was Jean Barrett.
12 It's not -- we didn't mean for that to be hidden.

13 THE COURT: All right. So maybe you can correct the
14 thing to have his -- the exhibit so that his name is there.
15 But what's the relevance?

16 MR. FRISCH: It would be better on the --

17 THE COURT: You don't want to reveal your -- I mean,
18 I don't know, I'm just trying to figure out --

19 MR. FRISCH: No, I understand.

20 THE COURT: Okay.

21 MR. FRISCH: The reason I -- now that the Government
22 is agreeing to unredact the name of the lawyer, I have no
23 issue with it.

24 THE COURT: Okay.

25 MR. FRISCH: My initial -- I will tell you exactly

SIDEBAR CONFERENCE

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1 what happened. It will be quick.

2 THE COURT: Not too quick.

3 MR. FRISCH: No, I can't do anything quick.

4 My initial feeling was it was redacted on proffer
5 agreements because the lawyer works in his state. But then I
6 saw Jean Barrett in the back of the courtroom, and she's in
7 New Jersey, so I -- that's why I was going to ask what's going
8 on.

9 THE COURT: Mystery solved.

10 MR. PAULSEN: Yes.

11 (End of sidebar conference.)

12 (Continued on the next page.)

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MICROCHIP - CROSS - MR. FRISCH

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1 (In open court.)

2 MR. FRISCH: So with that one supplement that we're
3 going to unredact the signature of the lawyer, I offer the
4 exhibit, Defense EE?

5 THE COURT: All right. That's in evidence. I guess
6 that was just a mistake that it was redacted, so, yeah.

7 MR. FRISCH: Thank you.

8 So let me put the agreement back on the screen so
9 you can see it.

10 BY MR. FRISCH:

11 Q And the first page of the agreement -- by the way, you --
12 you read this agreement, went over it with your lawyer before
13 you signed it, right?

14 A Yes.

15 Q And the first page of the agreement identifies the
16 penalties that you face for the crime to which you pled
17 guilty; correct?

18 A Correct.

19 Q And the penalties for the crime to which you pled guilty,
20 18 U.S.C., Section 241, has a maximum statutory term of
21 imprisonment of ten years; correct?

22 A Correct.

23 Q It's zero to ten years; correct?

24 A Right.

25 Q In addition, there is something called the sentencing

MICROCHIP - CROSS - MR. FRISCH

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1 guidelines; correct?

2 A Correct.

3 Q And the sentencing guidelines, as you understand it, are
4 an estimate of how sentencing rules would apply to your case;
5 correct?

6 A Correct.

7 Q And do you understand that your sentencing judge is not
8 bound by those guidelines; correct?

9 A Correct.

10 Q He or she could sentence you to less than the guidelines;
11 correct?

12 A That's right.

13 Q He or she could sentence you to more than the guidelines;
14 correct?

15 A Correct.

16 Q And am I correct that your estimated guideline is 6
17 to 12 months in prison?

18 A I think so, yeah. Yes.

19 MR. FRISCH: Let me show you page 4 of this
20 agreement, paragraph 7 --

21 A Can I say, that was what my lawyer had mentioned to me
22 back then.

23 Q The question was: Is this your understanding?

24 A Yeah, yeah.

25 MR. FRISCH: So paragraph 7 says: If the office

MICROCHIP - CROSS - MR. FRISCH

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1 determines that the defendant has cooperated fully, provided
2 substantial assistance to law enforcement authorities and
3 otherwise complied with the terms of this agreement, the
4 office will file a motion pursuant to sentencing guideline,
5 Section 5K1.1 with the sentencing Court setting forth the
6 nature and extent of his cooperation. Such a motion will
7 allow the Court, in applying the advisory guidelines, to
8 consider a range below the guideline range that would
9 otherwise apply.

10 THE WITNESS: What was the question?

11 MR. FRISCH: I haven't asked it yet.

12 THE WITNESS: Oh, okay.

13 MR. FRISCH: Here it comes.

14 THE WITNESS: Go for it.

15 MR. FRISCH: Thank you.

16 Q Is it your understanding that what that means is, if you
17 cooperate successfully, the Government will bring your
18 cooperation to the attention of the sentencing judge?

19 A Yeah, they would, like, write a letter to the -- to Judge
20 Donnelly or Garaufis, yeah.

21 Q And your testimony here is part of that cooperation;
22 correct?

23 A I think so. I guess, yeah. Yes.

24 Q And you understand that your obligation, pursuant to this
25 agreement, is you have to tell the truth; correct?

MICROCHIP - CROSS - MR. FRISCH

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1 A Correct.

2 Q And you understand that the arbiter of whether or not you
3 tell the truth is the Government, the people at this table;
4 correct?

5 A I think it's the judge that decides if I'm telling the
6 truth, or the jury. I have no idea.

7 Q Well, you're not on trial here. Let's just go through
8 it.

9 You're not the defendant in this case; right?

10 A That's right.

11 Q The judge sentences you; right?

12 A Yes.

13 Q Who writes the motion, the 5K1.1 motion if they're
14 satisfied with your cooperation?

15 A I don't know about the 5.1K thing, but I assume it's
16 these guys, yeah.

17 Q These guys --

18 A Correct.

19 Q -- bring your cooperation to the attention of the
20 sentencing judge; correct?

21 A Correct, there we go.

22 Q If they believe that your cooperation qualifies as
23 substantial assistance to law enforcement; correct?

24 A Correct.

25 Q Do you recall giving an interview to BuzzFeed news?

MICROCHIP - CROSS - MR. FRISCH

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1 A What was the date of that?

2 Q April 5th, 2017.

3 A Yes.

4 Q And when you gave the -- have you read the article?

5 A Yes. I mean -- yeah.

6 Q Do you recall telling the reporter that you sometimes
7 tweet a thousand times a day?

8 A Oh, yes, yes, yes, yes, yes, yes, mm-hmm.

9 Q Do you recall telling the reporter that shaping a message
10 was exhilarating to you?

11 A Yeah, I -- yes, yes, yes.

12 Q And did you tell the reporter about the bots about which
13 you testified earlier today?

14 A Yes, mm-hmm.

15 Q And did you tell the reporter that those bots can
16 generate 35,000 retweets a day?

17 A Yes.

18 Q In other words, it's a mechanical way of disseminating
19 information; correct?

20 A Correct.

21 Q You also told the reporter that you take Adderall to
22 focus; is that right?

23 A Correct.

24 Q And that's because you have ADHD; correct?

25 A Yes.

MICROCHIP - CROSS - MR. FRISCH

558

1 Q You appeared in this courthouse to enter your plea -- to
2 enter your plea of guilty?

3 A As in, this same room?

4 Q This courthouse.

5 A Oh, yes, yes.

6 Q In other words, when someone pleads guilty, there's two
7 parts. There's the written agreement, in your case, a
8 cooperation agreement, which we just went over?

9 A Yes.

10 Q And then the defendant comes in to court and stands
11 before the judge and actually pleads guilty; correct?

12 A Yes. I did that.

13 Q And you did that; correct?

14 A Yes, correct.

15 Q And that was on April 14th, 2022; correct?

16 A Correct.

17 Q By the way, when you pled guilty on April 14th, 2022, do
18 you recall that your tentative sentencing date was
19 October 14th , 2022?

20 A Yes, I remember that.

21 Q But you haven't been sentenced yet; have you?

22 A Correct.

23 Q Your sentence was rescheduled; correct?

24 A Correct.

25 Q And that's because you have to testify here before your

MICROCHIP - CROSS - MR. FRISCH

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1 cooperation is complete; correct?

2 A Yes. I think that was part of the agreement; that I
3 would be a witness.

4 Q And you agreed to extend the time for your sentencing
5 until you testify at this trial; correct?

6 A I don't know if I signed an agreement for that, but I
7 think that's just how it works; right?

8 Q I'm asking you: Is it your understanding that you agreed
9 to extend the date of your sentencing until after you
10 testified at this trial?

11 A Correct.

12 Q And that's because you want the benefit of your
13 cooperation agreement; correct?

14 A In part, yes.

15 Q Now I want to ask you some questions and I want to
16 preface these questions by letting you know in advance, I
17 don't want to know any details. I'm going to ask you some
18 general questions, and I'm not inquiring as to details.

19 Do you understand what I'm saying?

20 A Yes.

21 Q There came a time when you began doing work for the FBI;
22 correct?

23 A Yes.

24 Q Are you currently doing work for the FBI?

25 A Yes.

MICROCHIP - CROSS - MR. FRISCH

560

1 Q When did that work for the FBI start?

2 THE COURT: Could I just see if the parties at the
3 side just for a minute to clarify something with the court
4 reporter.

5 (Continued on the next page.)

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SIDEBAR CONFERENCE

561

1 (Sidebar conference.)

2 THE COURT: Has someone talked to the witness that
3 he might be questioned about this?

4 MR. GULLOTTA: I mean, it's certainly something we
5 talked about during prep.

6 THE COURT: The only reason I'm pausing is because I
7 don't think he knows how to answer the question. I don't know
8 if he's been told not to talk about his -- the other work that
9 he's doing, and maybe I'm reading the room wrong, but that's
10 what it seems like to me.

11 MR. FRISCH: I will just try to ask as leading a
12 question as I can to focus him on the answer I'm looking for.

13 THE COURT: Do you need an instruction from me to
14 him to not to give any specifics about any work that he's
15 doing?

16 MR. FRISCH: I don't think so. I think my -- just
17 to put Your Honor at some ease, there aren't that many
18 questions, number one.

19 THE COURT: Okay.

20 MR. FRISCH: Number two, this is something he's
21 talked about in his 302, so I think they anticipate what I'm
22 going to ask.

23 THE COURT: No, I think that's fine, but a lot of
24 time a witness will not be prepared that he's going to be
25 asked about something not connected to the case, and that was

SIDEBAR CONFERENCE

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1 the sense that I was getting. I could have been
2 misinterpreting it, but let's see what happens, and if we need
3 to do something further about it, we will.

4 MR. PAULSEN: Your Honor, it certainly can't hurt if
5 Your Honor clarifies and he hears it from you that he doesn't
6 need to say some details.

7 THE COURT: I mean, I could say something very mild.

8 MR. FRISCH: I don't think -- I think --

9 THE COURT: I don't think it's necessary right now,
10 but I think -- I mean, you are cross-examining him, and so he
11 may be wary about it. That's all I'm saying.

12 MR. FRISCH: Let's see how it goes.

13 THE COURT: Sounds good.

14 (End of sidebar conference.)

15 (Continued on the next page.)

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MICROCHIP - CROSS - MR. FRISCH

563

1 (In open court.)

2 THE COURT: All right. Next question, please.

3 MR. FRISCH: Thank you.

4 BY MR. FRISCH:

5 Q So just take care when I ask you these questions to
6 answer specifically what I'm asking you.

7 A Sure.

8 Q If you need to provide more information, just say: I
9 need --

10 THE COURT: Just don't.

11 BY MR. FRISCH:

12 Q Don't. Or say: I need to provide more information and
13 we'll have another sidebar and we'll figure it out.

14 A That works.

15 Q If I asked you this question already, I've just lost my
16 train of thought.

17 A That's fine.

18 Q When did you start doing work for the FBI?

19 A The first time I had contact where I actually did work
20 was in 2018.

21 Q And whose idea was that --

22 A Mine.

23 Q -- to do the work?

24 It was your idea?

25 A That's right.

MICROCHIP - CROSS - MR. FRISCH

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1 Q From 2018 to now, has that work continued?

2 A Yes.

3 Q Without telling us what you're doing, how often do you do
4 this work for the FBI?

5 A As often as needed, essentially.

6 Q You're not getting paid for it; right?

7 A That's right.

8 Q In fact -- in fact, you met with the FBI on or about
9 February 23, 2023, earlier, about a month ago; do you remember
10 that? Mr. Paulson was there, Mr. Gullotta was there. All
11 three prosecutors were there.

12 A Yeah, I think that was here in Brooklyn.

13 Q And you asked -- you said -- you said -- do you recall
14 saying that you wanted to keep working with the FBI because
15 the FBI provided a structure that was valuable to you?

16 A Do you have the document on that?

17 MR. FRISCH: Let me show you 3500M-9.

18 Can you pull up your copy? Okay. Thanks.

19 A I saw it.

20 Q Well you saw my copy, I meant -- let them do it.

21 A You're fine. Yeah, I remember that.

22 Q And that's what you said; right?

23 A Yes.

24 Q It refresh your recollection that you told him that?

25 A Correct.

MICROCHIP - CROSS - MR. FRISCH

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1 Q All right.

2 Do you recall saying at that same meeting that you
3 were concerned about being doxed D-O-X-E-D due to the trial?

4 A Can I see that --

5 Q Same document.

6 A -- document?

7 Yeah.

8 Q And look at whatever you need to, but I direct your
9 attention to what I think is the beginning of the third
10 paragraph on page 1.

11 A Correct, yes.

12 Q What does it mean to be doxed?

13 A It means to have your information outed by reporters.

14 Q By "your information," you mean your real name?

15 A Correct.

16 Q And do you recall telling the Government at that time
17 that you were concerned because you used your true name when
18 conducting business?

19 A Yes.

20 Q Sir, is it correct there was a time when you considered
21 working directly for Donald Trump or his campaign or one of
22 his businesses?

23 A Was there a time when I considered -- um, I think there
24 was a time back in 2016 or 20 -- it was probably 2016 where I
25 had mentioned that I'm -- that I would like to work for Donald

MICROCHIP - CROSS - MR. FRISCH

566

1 Trump, I guess, yeah.

2 Q For his campaign?

3 A Yeah, I think so.

4 Q Did you meet with representatives of the campaign?

5 A Never. No, I did not.

6 Q Do you know what a nondisclosure agreement is?

7 A I do.

8 Q What's a nondisclosure agreement?

9 A It means an agreement between two people that you won't
10 disclose some bit of information that you're talking about.

11 Usually, it's a -- I have to sign them with technology
12 businesses that says I won't divulge their product ideas.

13 Q And you understand, if you're asked in Court about
14 whether or not you signed a nondisclosure agreement, you can
15 say so without violating the agreement; do you agree with me?

16 A Yes.

17 Q Did you sign a nondisclosure agreement with the Trump
18 campaign?

19 A No.

20 Q Are you sure?

21 A Pretty sure. That, I recall. Unless you have something
22 showing otherwise.

23 Q Did you ever attend a seminar on How to Sell Trump
24 University?

25 A Oh, yeah. That was back in like -- I didn't actually

MICROCHIP - CROSS - MR. FRISCH

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1 attend the seminar, but that was an offering for some of the
2 top salespeople at that time, and that was back in -- Jeez --
3 2004, 2003.

4 Q Where was the seminar?

5 A Oh, I don't even recall, yeah. It was a while ago.

6 THE COURT: Did you actually go?

7 THE WITNESS: No, I did not.

8 BY MR. FRISCH:

9 Q Did you have any contact at all with the people running
10 Trump University?

11 A So the way it worked was, there was --

12 Q I'm sorry to interrupt you.

13 My question to you is: Did you have any contact
14 with the people running Trump University or training people to
15 work with Trump University?

16 A To my knowledge, no. They -- I will just answer the
17 question.

18 Q Go ahead, you can finish, I'm sorry.

19 A Yeah, so to my knowledge, it was an outsourced group that
20 was selling a product for Trump -- for the Trump University.
21 That's what it was called. I don't know if it's the same
22 Trump University that was in the news as Trump University, but
23 it dealt with Trump and it was an outsource group where they
24 would outsource leads and their product to a specific group of
25 individuals who were salespeople. And they would sell all

MICROCHIP - CROSS - MR. FRISCH

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1 kind of products. So part of that product setup was Trump
2 University, but that was reserved for the top salespeople. It
3 was a kind of a premium package back then. It wasn't spread
4 out to the rest of us.

5 Q And you remember this from your contact in -- what did
6 you say? -- 2004?

7 A Yeah, but there wasn't -- so, there wasn't a
8 nondisclosure -- I don't know -- but there was no agreement
9 with Trump himself, but it was the employer who was taking
10 leads or had a contract with whatever Trump University was
11 back then.

12 Q And was it in that context that you signed a
13 nondisclosure agreement?

14 A I don't think I ever signed a nondisclosure agreement
15 with them.

16 Q Did you see one?

17 A I don't remember. Yeah, I don't remember. That was
18 forever ago.

19 Q Are you familiar with the term "Keybase"?

20 A Yes, I am.

21 Q What's Keybase?

22 A It's a website where you have -- you have -- you have the
23 ability to create a profile. And the idea with Keybase was to
24 create a profile that would be immutable, so you wouldn't be
25 banned and so you could say, hey, here's my Keybase so you can

MICROCHIP - CROSS - MR. FRISCH

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1 identify who I am at all times, in case you're banned from
2 Twitter. Somebody can go back on Keybase and say, hey, there
3 you are.

4 Q How many times have you been banned from Twitter?

5 A Hundreds of times.

6 Q In connection with opening new accounts, did you use
7 Keybase?

8 A Yes.

9 Q Every time?

10 A Not every time.

11 Q Most of the time?

12 A No. The Keybase started back when the bans became really
13 bad, and so it was used towards the ends of my reign of
14 whatever on Twitter, but then that's sort of a fail because
15 people would just see the Keybase and then report that.

16 MR. FRISCH: Let me show you what I've marked for
17 identification as Exhibit I, which is in evidence in other
18 forms, and just tell me --

19 THE COURT: It's already in evidence?

20 MR. FRISCH: It's not in evidence.

21 THE COURT: I thought you said it was in evidence in
22 other forms.

23 MR. FRISCH: It is, but not in this form.

24 THE COURT: Oh, okay.

25 MR. FRISCH: Sorry, I didn't say that elegantly.

MICROCHIP - CROSS - MR. FRISCH

570

1 BY MR. FRISCH:

2 Q Do you recognize what I've put on the ELMO as Exhibit I?

3 A I do, yes.

4 Q And what is that?

5 A That's my avatar.

6 Q It's a picture of your avatar?

7 A Yes.

8 Q That appears when you tweet on your tweets; correct?

9 A Correct.

10 MR. FRISCH: All right, I offer Exhibit I.

11 THE COURT: Any objection?

12 MR. GULLOTTA: No, Your Honor.

13 THE COURT: All right. That's Defense Exhibit I.

14 I think that might be J; isn't it?

15 MR. FRISCH: No, this is I.

16 THE COURTROOM DEPUTY: J is already in.

17 THE COURT: Okay, go ahead.

18 MR. FRISCH: Thanks.

19 (Defense Exhibit I, was received in evidence.)

20 BY MR. FRISCH:

21 Q Now, I want to go back to something I just asked you a
22 moment ago.

23 A Sure.

24 Q You're aware -- you're testifying here anonymously;
25 right?

MICROCHIP - CROSS - MR. FRISCH

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1 A Correct.

2 Q And you heard the judge say that the Court has permitted
3 that; remember that?

4 THE COURT: I don't actually think he was here when
5 I gave that instruction.

6 MR. FRISCH: Thank you, Judge.

7 BY MR. FRISCH:

8 Q In any event, it's your understanding that the Court is
9 permitting it; correct?

10 A Yes.

11 Q All right.

12 And before the Court permitted it, the Government
13 made an application for you to be able to testify anonymously;
14 is that right?

15 A Yes.

16 Q And is it your recollection that the Government made that
17 application on or about February 24th of this year?

18 A It was around that time, yes.

19 Q Okay.

20 Certainly it was sometime -- would you agree with me
21 it was in February of this year toward the latter part of that
22 month?

23 A Yes.

24 Q Do you recall tweeting -- do you still tweet,
25 Mr. Microchip?

MICROCHIP - CROSS - MR. FRISCH

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1 A No, not right now.

2 Q Well, let me ask you this question.

3 On February 22nd of this year, do you recall
4 tweeting: Good night. I'm not coming back. This is my final
5 tweet. It's been fun. I hope you have a good life. I hope
6 you have good lives. I wish that we could have been more than
7 e- friends, but this is the internet after all.

8 A Yes, I remember doing that.

9 MR. FRISCH: Let me show you Defense Exhibit P.

10 Q And ask you if you recognize it?

11 A Yes, I do. Yes.

12 Q Is that the tweet you sent out on February 22nd, 2023?

13 A Yes.

14 Q Two days before the Government -- about two days before
15 the Government made an application to the Court to permit you
16 to testify here anonymously; correct?

17 A See, I don't know when they made that application, but it
18 was around that time, so sure.

19 Q Fair enough.

20 A Yeah.

21 Q And the picture in the upper left, was that the avatar
22 you were using at the time?

23 A Yes.

24 Q Now, going back for a minute to 2016, when you were
25 tweeting hundreds of times a day -- I think you said as many

MICROCHIP - CROSS - MR. FRISCH

573

1 as 300, maybe more -- did you tweet about your use of
2 Adderall?

3 A Oh, yes, yes.

4 Q Multiple times; correct?

5 A Yes.

6 Q Did you tweet about your use of Adderall last month,
7 February 14th, 2023?

8 A Yes, and that was a joke.

9 Q Well, let me ask the question and we'll get to it.

10 A Go for it. Yes.

11 MR. FRISCH: Let me show you what's been marked for
12 identification as Defense Exhibit Q.

13 THE WITNESS: Oh, that, okay.

14 Q Do you recognize that?

15 A Yeah, but I didn't -- I don't think I tweeted this photo.
16 Somebody else tweeted that, but then I tweeted below it;
17 right?

18 Q Do you recognize that as --

19 A As what?

20 Q -- as a photograph that you either created or tweeted?

21 A Yes. So I don't think I created this profile. I think
22 somebody else did back in the day, years ago, probably 2016,
23 2017, but I mean, it's an avatar that I used a few times,
24 yeah.

25 MR. FRISCH: I offer Q.

MICROCHIP - CROSS - MR. FRISCH

574

1 THE COURT: Any objection?

2 MR. GULLOTTA: I object, Your Honor. I don't think
3 the witness identified this as his profile picture. I think
4 he said somebody else posted this and I also don't see the
5 relevance of it.

6 THE COURT: Well, the objection is overruled.

7 (Defense Exhibit Q, was received in evidence.)

8 BY MR. FRISCH:

9 Q So, sir, if you would look at Q.

10 And so is it your testimony that this picture is
11 from years ago and someone, essentially, tweeted or sent it to
12 you recently?

13 A Yes. So --

14 Q Is that the case?

15 A Well, people made avatars like this all the time and
16 sometimes I would use it, sometimes I didn't, but it -- yeah,
17 I thought that this was an especially funny one with the
18 Adderall bottle there.

19 Q And at the bottom of this, you replied: Nice, that's
20 also a good one; yeah?

21 A Yes.

22 Q That was you who did that?

23 A Correct.

24 Q And this is dated February 14, 2023; correct?

25 A Looks like it, yes.

MICROCHIP - CROSS - MR. FRISCH

575

1 Q For a period of your life, did you use illegal drugs?

2 A Yeah. There was a short period back in -- Jeez -- I
3 think 2002, 2003 , something like that.

4 Q Is it -- is it a fact that you used illegal drugs from a
5 period from 2002 to 2014?

6 A No. I mean, that's -- that's a broad range. No.

7 MR. FRISCH: Give me one second.

8 Q Do you recall one of your meetings with the Government
9 was July 15, 2021, or thereabouts?

10 A Say that date again.

11 Q July 15th, 2021.

12 A Oh, yeah. Yep.

13 Q At that meeting, do you recall telling the Government you
14 had previously used drugs from approximately 2002 or 2003
15 until 2014?

16 A No. That's -- if that's what it says, that's incorrect.

17 Q When you were using drugs, did you have a high use of
18 heroin?

19 A That was - -

20 Q Yes or no.

21 A No. There was some use of heroin, but not high. It was
22 a one-off situation back in early 2000s.

23 Q Do you remember that Agent Maegan Rees was at that
24 meeting?

25 A I'm sure she was, yeah.

MICROCHIP - CROSS - MR. FRISCH

576

1 Q Was she taking notes when you were speaking?

2 A Yes.

3 Q Are you familiar from this process that the agent types
4 up the notes into a typewritten interview report?

5 A Yes.

6 Q How many times have you met over the course of the past
7 few years, or over the course of your experience with the
8 Government with Agent Rees?

9 A I don't know the exact count, but it was like Maegan was
10 on -- I don't know if she's still on the case, but Maegan was
11 in those calls from February 2021 through -- Jeez, I don't
12 know -- the start of 2022, something like that.

13 Q Do you recall saying at that meeting that you used
14 methamphetamines?

15 A Yes. And that was a sporadic period again from the early
16 2000s.

17 Q Do you recall saying at that meeting that you used
18 mushrooms?

19 A Yes, that was the same date, time, yes.

20 Q Do you recall saying at that meeting that you used
21 powdered cocaine?

22 A Yep, same timeframe, early 2000s.

23 Q Do you recall saying that you were addicted to
24 painkillers?

25 A Yeah, same timeframe, early 2000s.

MICROCHIP - CROSS - MR. FRISCH

577

1 Q Do you recall saying that you also used a testosterone
2 steroid called Testogel?

3 A Testogel? Yeah. That was like -- the year 2001, yeah.

4 Q Did you tweet about your use of Adderall on
5 February 20th, 2023?

6 A Yes.

7 MR. FRISCH: Let me show you what I will mark for
8 identification as Defense Exhibit R. Let me get it nice and
9 focused.

10 THE WITNESS: Right.

11 MR. FRISCH: Take a second.

12 THE WITNESS: Oh, I already know this tweet.

13 Q Did you tweet this?

14 A I did tweet that.

15 MR. FRISCH: I offer R, Defense R.

16 THE COURT: Any objection?

17 MR. GULLOTTA: I don't see its relevance just from
18 reading the tweet, so I object --

19 THE WITNESS: This is a --

20 THE COURT: Hold on.

21 Objection overruled.

22 (Defense Exhibit R, was received in evidence.)

23 BY MR. FRISCH:

24 Q Did you say in this tweet: I'm now 36 hours into my
25 Adderall and ChatGPT marathon.

MICROCHIP - CROSS - MR. FRISCH

578

1 Did you say that?

2 A I did.

3 Q Do you know what ChatGPT is?

4 A I do.

5 Q What is it?

6 A It's a generative AI; a generative artificial
7 intelligence using a language model.

8 MR. FRISCH: Let me show you what I've marked for
9 identification as Defense S.

10 THE COURT: Wait.

11 MR. FRISCH: Oh, I'm sorry.

12 THE COURT: Not yet. You just have to wait.

13 MR. FRISCH: I'm sorry.

14 THE COURT: It's good. It's good.

15 Go ahead.

16 MR. FRISCH: I like the old way where I walk up and
17 back. I make fewer mistakes.

18 THE COURT: Can you put it up, Donna?

19 THE COURTROOM DEPUTY: Okay.

20 It's just for the witness; yes?

21 MR. FRISCH: Just for the witness.

22 BY MR. FRISCH:

23 Q Do you recognize this one?

24 A I do.

25 Q Did you tweet this one?

MICROCHIP - CROSS - MR. FRISCH

579

1 A I didn't tweet that. That's my profile.

2 Q That's your profile.

3 A That's right.

4 MR. FRISCH: I offer S.

5 THE COURT: Any objection?

6 MR. GULLOTTA: No objection.

7 THE COURT: All right. That will be in evidence.

8 (Defense Exhibit S, was received in evidence.)

9 Q It says: I drink Black Rifle coffee, wear a fishnet
10 trucker hat, have a Jesus tattoo, and inject testosterone.
11 George Santos and John Kirby Stan account pro- balloon.

12 Did you write that?

13 A I did.

14 Q By the way, "Stan" is a modern slang word for being a fan
15 of; is that fair?

16 A Big fan of those two, yeah.

17 Q Sir, one of the things that the Court is permitting in
18 connection with your anonymity here today is that we not
19 disclose the state where you live.

20 Do you understand that?

21 A I do.

22 Q In fact, you sent out a tweet a month ago on
23 February 20th, 2023, indicating the state where you lived;
24 true or false?

25 A I would have to see the tweet.

MICROCHIP - CROSS - MR. FRISCH

580

1 Q Before you do that --

2 MR. FRISCH: May we approach?

3 MR. GULLOTTA: Objection, Your Honor.

4 THE COURT: Objection to approaching?

5 Let's have the court reporter come up.

6 (Continued on the next page.)

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SIDEBAR CONFERENCE - SEALED

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1 (Sealed Sidebar Conference.)

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SIDEBAR CONFERENCE - SEALED

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Denise Parisi, RPR, CRR
Official Court Reporter

SIDEBAR CONFERENCE - SEALED

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Denise Parisi, RPR, CRR
Official Court Reporter

SIDEBAR CONFERENCE - SEALED

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(End of sidebar conference.)

(Continued on the next page.)

MICROCHIP - CROSS - MR. FRISCH

585

1 (In open court.)

2 THE COURT: Okay. Those questions are stricken from
3 the record and the jury will disregard.

4 BY MR. FRISCH:

5 Q Sir, just answer this question with a simple yes or no.

6 A Sure.

7 Q Am I correct that you do not live in the Eastern District
8 of New York?

9 A I do not live here, that's right.

10 Q Am I correct that you do not live in the greater New York
11 City metropolitan area?

12 A Yeah, I don't.

13 Q Thank you, sir. I want to show you what I've marked for
14 identification as Defense U. It is for only the witness.
15 Take a look at it. I'm going to ask you if this is a tweet
16 and your response.

17 A Yes, I recognize that, yeah.

18 MR. FRISCH: I offer it.

19 THE COURT: Is there any objection to this?

20 MR. GULLOTTA: Again, I object to its relevance. I
21 don't see the relevance.

22 THE COURT: I don't see the relevance.

23 MR. FRISCH: I would like to approach on this.

24 THE COURT: All right. Let's have the court
25 reporter come over for a sidebar.

MICROCHIP - CROSS - MR. FRISCH

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(Continued on the next page.)

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SIDEBAR CONFERENCE

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1 (Sidebar conference.)

2 MR. FRISCH: Mr. Chip has decimated a number of
3 tweets where he says I have the crazy. I'm a schizophrenic
4 rant. My IQ is so high right now, you have no idea. And the
5 last one is a doozy.

6 THE COURT: May I see it?

7 MR. FRISCH: Yes.

8 THE COURT: I'm sure they've seen it.

9 MR. FRISCH: No, they haven't.

10 MR. FRISCH: I have to be able to use these. It's
11 fair game if he wants to say he's joking.

12 THE COURT: I'm permit it.

13 MR. PAULSEN: It's fine.

14 (End of sidebar conference.)

15 (Continued on the next page.)

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MICROCHIP - CROSS - MR. FRISCH

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1 (In open court.)

2 THE COURT: The objection is overruled.

3 MR. FRISCH: Thank you, Judge.

4 (Defense Exhibit U, was received in evidence.)

5 BY MR. FRISCH:

6 Q So in this one Christina Betten says: Recovery from
7 mental illness and other types of disorders is possible
8 through self-determination when you learn how to manage your
9 symptoms, when you chose to not let them interfere with
10 leading a fulfilling life. Many teens and young adults who
11 are often just anxious.

12 You respond: I have the crazy. Thanks for your
13 post.

14 Did you say that?

15 A I did.

16 MR. FRISCH: This is one just for the witness.

17 THE COURT: You don't object to this, do you?

18 MR. GULLOTTA: No, your Honor.

19 THE COURT: So this is in evidence. What is the
20 letter?

21 MR. FRISCH: Defense X.

22 (Defense Exhibit X, was received in evidence.)

23 BY MR. FRISCH:

24 Q Do you recognize this one?

25 A Yes, I do.

MICROCHIP - CROSS - MR. FRISCH

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1 Q This one is February 13, 2023. You say: 3,109 crazy
2 tweets over two weeks. What can I say, I'm insane, unfills,
3 don't shower, can barely take care of myself, hear voices,
4 talk to the walls, and can predict the future.

5 Did you say that?

6 A I did.

7 Q Sir, have there been times -- for how long have you been
8 diagnosed with ADHD?

9 A Since around 2007.

10 Q Are you familiar with the symptoms of Adderall addiction?

11 A I guess so, sure.

12 Q Is it your understanding that one of the symptoms of
13 Adderall addiction is talkativeness?

14 THE COURT: Do you know the answer to that question?

15 THE WITNESS: I mean, I know the answer but --

16 Q If the answer yes or no.

17 A Yes, for that. But I'm talking about -- yes, I
18 understand, yes.

19 Q By the way, when you were interviewed for that article by
20 Buzzfeed, the reporter described you as brilliant. Did you
21 see that?

22 A I don't recall, but okay.

23 Q Do you agree with that?

24 A I'm above average intelligence.

25 Q Earlier when you were talking about 4chan, I think you

MICROCHIP - CROSS - MR. FRISCH

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1 said it was intellectuals?

2 A Yes.

3 Q Do you consider yourself an intellectual?

4 A I've made that statement before. But it's -- 4chan is
5 used by intellectuals and by absolute idiots, so it's a dual
6 thing there. I've made the statement that I'm an intellectual
7 before. But that statement is a play on narcissism. But yes,
8 I've said that. But do I actually consider myself a thinking
9 intellectual who drives thought in the U.S.A.? No.

10 MR. FRISCH: Let me show you what I marked for
11 identification Defense W.

12 THE COURT: You don't object to this coming in, do
13 you?

14 MR. GULLOTTA: No, your Honor.

15 THE COURT: That's in evidence.

16 (Defense Exhibit W, was received in evidence.)

17 Q Do you recall saying on February 20: My IQ is so high
18 right now you have no idea?

19 A Yeah.

20 MR. FRISCH: Your Honor, I'm nearing the end. Can I
21 have one minute?

22 THE COURT: Sure.

23 BY MR. FRISCH:

24 Q Sir, earlier today you testified that you used bots,
25 correct?

MICROCHIP - CROSS - MR. FRISCH

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1 A Correct.

2 Q And you used bots to create the false impression that you
3 had something interesting to say?

4 A Yeah, uh-huh.

5 Q You used bots to create the false impression that you had
6 something interesting to say because you might get the benefit
7 of people following you?

8 A That's right.

9 Q So you used essentially a false premise to see if people
10 would fall for it and follow what you were saying; is that
11 fair?

12 A Yeah, that's how it originally started, yeah.

13 MR. FRISCH: Sir, thank you very much.

14 THE WITNESS: Thank you.

15 THE COURT: I think now it makes sense to take a
16 break. I'll excuse you for about ten minutes. Please don't
17 talk about the case or look anything up. But we'll see you in
18 ten minutes.

19 (Jury exits the courtroom.)

20 THE COURT: Everybody can be seated.

21 The witness can step down.

22 (Whereupon, the witness steps down.)

23 THE COURT: Anything before we break?

24 MR. GULLOTTA: No, your Honor.

25 MR. FRISCH: No.

MICROCHIP - CROSS - MR. FRISCH

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1 THE COURT: Just so you know, I do plan to, whenever
2 we finish today, whatever time that is, we'll break for the
3 day. We won't begin tomorrow until 1:00 o'clock. That will
4 give you -- I think there are a couple of things you want to
5 think about, so I take it we're not ready to discuss the
6 question of these 302s that you wrote about this morning,
7 correct?

8 MR. FRISCH: Correct.

9 THE COURT: So that's what we'll do. The only
10 other -- I know I keep raising the charge, which nobody really
11 cares about at this moment, but have you had a chance to look
12 at it yet? Not yet.

13 MR. FRISCH: I think I did. If you want to have a
14 charge conference this afternoon, I could take five minutes
15 and go over my notes.

16 THE COURT: The other thing is, I could tell the
17 jury to come -- or we could come a little earlier here
18 tomorrow at 12:30 and then -- maybe we should come at noon to
19 discuss the other issues as well. I want to be able to give
20 them a time. So that's what we'll do.

21 Anything from the Government?

22 MR. GULLOTTA: No. Thank you, your Honor.

23 THE COURT: I'll see you in ten minutes.

24 (Brief recess.)

25 THE COURT: Are we ready for the witness?

MICROCHIP - REDIRECT - MR. GULLOTTA

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1 MR. GULLOTTA: Yes.

2 (Whereupon, the witness resumes the stand.)

3 (Jury enters the courtroom.)

4 THE COURTROOM DEPUTY: Be seated.

5 THE COURT: We're ready to continue with redirect
6 examination.

7 MR. GULLOTTA: Yes, briefly, your Honor.

8 REDIRECT EXAMINATION

9 BY MR. GULLOTTA:

10 Q On cross-examination, Micro, you were asked about your
11 use of bots, correct?

12 A Correct.

13 Q In 2016 when you tweeted your tweets that told people
14 they could vote by hashtag, did you use bots or did you post
15 those yourselves manually?

16 A Those were posted manually.

17 Q Back then, in 2016, you sincerely -- we heard a lot about
18 some of your tweets that are funny?

19 A Yes.

20 Q At that time, did you sincerely want Donald Trump to win?

21 A Back in 2016?

22 Q Correct.

23 A Yeah, I wanted him to win.

24 Q Did you sincerely want Hillary Clinton to lose?

25 A I wanted to Hillary Clinton to lose more than I wanted

1 Donald Trump to win.

2 Q When you posted these tweets telling her supporters to
3 vote by hashtag, were you sincerely hoping they would do that
4 and not vote correctly?

5 A Yes.

6 Q On cross-examination you were asked about a meeting I
7 guess about two years ago, April 2021, correct?

8 A Right.

9 Q At that time I think you were asked on cross-examination
10 if you said that you at least couldn't recall whether or not
11 you intended to trick people out of their votes?

12 A Yes.

13 Q That was about five years after the tweets?

14 A Yes.

15 Q Was that a remote meeting?

16 A In April, that was April 2021?

17 Q Correct.

18 A Yes, remote.

19 Q So over the computer or something like that?

20 A WebEx.

21 Q And more recently, have you met with the Government in
22 person?

23 A I have, yes.

24 Q During those meetings did you review pages and pages and
25 pages of your tweets and your direct messages?

MICROCHIP - REDIRECT - MR. GULLOTTA

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1 A I did.

2 Q Did that help refresh your recollection of your intent at
3 the time in 2016?

4 A That's exactly what it did, yes.

5 Q So as you testify here today, is your memory of what you
6 were doing when you were tweeting in 2016 better than it was
7 in April of 2021?

8 A Yes, very much so.

9 MR. GULLOTTA: Ms. Parshad, can we pull up the plea
10 agreement, please. We can look at paragraph four.

11 THE COURTROOM DEPUTY: Is this --

12 MR. GULLOTTA: The defense moved the plea agreement
13 into evidence.

14 BY MR. GULLOTTA:

15 Q Micro, can you read the first sentence of paragraph four?

16 A It says: The defendant will provide truthful, complete,
17 and accurate information and will cooperate fully with the
18 office. This cooperation will include, but is not limited to
19 the following.

20 Q That's fine. Is it your understanding that you have to
21 provide truthful information to the Government?

22 A Correct.

23 Q Can we look at paragraph nine, please. Can you read that
24 paragraph, please?

25 A The defendant must at all times give complete, truthful

MICROCHIP - REDIRECT - MR. GULLOTTA

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1 and accurate information and testimony. And must not commit
2 or attempt to commit any further crimes. Should it be judged
3 by the office the defendant has failed to --

4 THE COURT: Slow down.

5 THE WITNESS: That's fine. Do you want me to start
6 over?

7 THE COURT: No.

8 A Has intentionally given false, misleading or incomplete
9 information or testimony, has committed or attempted to commit
10 any further crimes, or has otherwise violated any provision of
11 this agreement, the defendant will not be released from his
12 plea of guilty, but this office will be released from its
13 obligations under this agreement, including, A, not to oppose
14 a downward adjustment of two levels for acceptance of
15 responsibility described in paragraph two above; and B, to
16 file the motion described in paragraph seven above. Moreover,
17 this office may withdraw the motion described in paragraph
18 seven above if such motion has been filed prior to sentencing.
19 The defendant will also be subject to prosecution for any
20 felony criminal violation of which the office has knowledge;
21 including but not limited to, the criminal activity described
22 in paragraph five above, perjury, and obstruction of justice.
23 Q You understand that you have to tell the truth according
24 to this agreement?

25 A Correct.

MICROCHIP - REDIRECT - MR. GULLOTTA

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1 Q You were asked questions about your anonymity on
2 cross-examination.

3 A Correct.

4 Q And it was your understanding that in the recent month or
5 so the Government would file an application for you to testify
6 anonymously, correct?

7 A Correct.

8 Q Were you prepared to testify in this trial regardless of
9 whether that application was granted?

10 A I mean, yeah. I've gone through, going through the
11 information we've talked about the tweets, refreshing what is
12 going on. Regardless of whether or not I was anonymous,
13 that's part of the agreement.

14 Q So in other words, if the Court denied the request for
15 you to testify anonymously, you would still have to testify
16 here today and you planned to do that?

17 A Oh, yes, yes.

18 Q In the tweet in which you encouraged people to vote by
19 hashtag, you were wearing a MAGA hat in your profile picture,
20 correct?

21 A Correct.

22 Q Didn't you think that since the tweet was directed at
23 Clinton supporters that might tip them off it was a hoax in
24 someway?

25 A It could. But I have multiple strategies in doing

MICROCHIP - REDIRECT - MR. GULLOTTA

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1 something like that. Part of that was, a tweet like that
2 would be copied by somebody else and spread like wild fire.
3 That was the intention. It doesn't really -- I want people to
4 see that tweet, obviously, but having that tweet out there
5 attached to a MAGA hat doesn't mean it will stay there. My
6 intention, with all of this, was to spread that information as
7 far as it could go. If somebody picked that up without a MAGA
8 hat or if a Clinton supporter picked that up, and say, I found
9 this thing, I guess we can vote by hashtag.

10 MR. GULLOTTA: No further questions, your Honor.

11 THE COURT: Any recross?

12 MR. FRISCH: No, your Honor.

13 THE COURT: Thank you so much. The witness can step
14 down.

15 (Whereupon, the witness was excused.)

16 THE COURT: Can I see the parties at sidebar for
17 scheduling.

18 (Continued on the next page.)
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SIDEBAR CONFERENCE

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1 (Sidebar conference.)

2 MR. FRISCH: I want to say, it seems to me I really
3 want to keep all options open, even though it seems to me -- I
4 want to keep all options open in my review of these reports.
5 I suppose theoretically I can ask to put something on their
6 case. So whether or not I'm going to ask for that, I rather
7 not foreclose that possibility.

8 THE COURT: So we won't rest today.

9 MR. PAULSEN: That's fine, your Honor.

10 THE COURT: Just in terms of, I don't know if you
11 thought this far, motions at the end of the Government's case
12 and then motions at the end of the entire case. Some people
13 like to put them off and do written, I don't know what your
14 preference is.

15 MR. FRISCH: Given the time crunch and the number of
16 things that I have to do, make the motion to preserve it
17 subject to briefing at a later point, something like that.

18 THE COURT: That's fine.

19 I like to know what we're going to do. So the way I
20 see it, if they rest at some point tomorrow, depending on
21 whether someone else testifies, your plan is to put your
22 client on and that will probably happen tomorrow afternoon.

23 So I'm thinking rather than make people sum up and
24 charge on a Friday, I think what we would probably do is sum
25 and charge on Monday, just so nobody has to worry that they

SIDEBAR CONFERENCE

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1 have to work on their summations in addition to all other
2 things they have to do. I think that schedule probably makes
3 sense.

4 MR. PAULSEN: That's fine with the Government, your
5 Honor.

6 THE COURT: I'm going to excuse the jury until one
7 tomorrow, but we'll meet at noon.

8 (End of sidebar conference.)

9 (Continued on the next page.)

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PROCEEDINGS

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1 (In open court.)

2 THE COURT: We have reached the end of our witnesses
3 for today. Tomorrow morning I have some matters to discuss
4 with counsel and I'd rather not have you waiting around for us
5 to finish. So I'm going to have you come in at one tomorrow.
6 You shouldn't be concerned, we are making great time. I'll
7 have you come in at one.

8 And then, obviously, the same instructions that I
9 give you every night, but they are just so important. Please
10 don't look anything up. Don't talk to anybody about the case.
11 And certainly don't let anyone talk to you about the case.

12 But do have a good night and enjoy the morning
13 tomorrow, and I'll see you at 1:00 o'clock.

14 (Jury exits the courtroom.)

15 THE COURT: Everybody can have a seat. We'll e-mail
16 everybody, I know you had requested an anonymity charge, we'll
17 e-mail that language to everybody as well.

18 Anything else before we break for the day?

19 MR. PAULSEN: Not from the Government, your Honor.

20 MR. FRISCH: No. The plan is tomorrow is we're here
21 at noon for charge conference, defense case. If it's
22 concluded tomorrow, Friday is non-court date, and then
23 summations Monday. Am I getting that right?

24 THE COURT: My assumption is that whatever happens
25 tomorrow might go into Friday. I guess we can revisit that if

1 things happen quickly. I've been doing this a little while, I
2 would be shocked if we finished in the afternoon, but stranger
3 things have happened.

4 MR. FRISCH: I think it's unlikely. And moreover, I
5 don't want to I think -- we all appreciate knowing that we're
6 summing up Monday as opposed to working tonight.

7 THE COURT: I think that's right. Believe it or
8 not, I used to do this. So I think although sometimes you
9 want it to be over by the weekend, but I think the plan will
10 be to sum and charge on Monday. If that means we don't meet
11 on Friday, we'll have to live with it. Who knows. That's the
12 schedule. I promise I won't change it on you.

13 Anything else to raise?

14 MR. PAULSEN: No, your Honor.

15 MR. FRISCH: If I can raise one issue. Judge
16 Garaufis ruled with regard to co-conspirator statements. As
17 it usually happens, the Government puts them in subject to
18 tying it up, or whatever the right word, is subject to
19 connecting it.

20 THE COURT: Right.

21 MR. FRISCH: I don't think -- the witness through
22 whom they had the opportunity to do it is the witness who is
23 now off the stand.

24 THE COURT: Uh-huh.

25 MR. FRISCH: I have to go back and think through

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1 what he testified to, but I think there is a whole lot of
2 stuff that is now in the record that is not connected up, that
3 is not the statement of people identified as co-conspirators.
4 It could well be that the Court's ruling is going to be, if
5 you're in this room you're a co-conspirator. If that's the
6 ruling, I think your Honor has to make that ruling. I don't
7 think that's right. But I think we have to resolve whether or
8 not the statements provisionally admitted as co-conspirator
9 statements have been connected up.

10 THE COURT: Do you have anything to say about this
11 at this point?

12 MR. PAULSEN: Whatever your Honor's preference is.
13 We can argue it now or tomorrow.

14 THE COURT: You can argue it tomorrow. I think I
15 would have to look at the testimony any way. We can argue it
16 tomorrow.

17 Anything else?

18 MR. FRISCH: No.

19 MR. PAULSEN: No, your Honor.

20 THE COURT: Have a good night everybody.

21 (Proceedings to resume on March 23, 2023 at 12:00
22 p.m.)
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